

Conference on Disarmament

English

Final record of the one thousand five hundred and seventy-ninth plenary meeting

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President: Mr. Salomon Eheth(Cameroon)

The President: I call to order the 1579th plenary meeting of the Conference on Disarmament, at which we shall hold our thematic debate on agenda item 4, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (negative security assurances).

Distinguished colleagues, before we proceed, it is my pleasure to extend a warm welcome to a new colleague, Ambassador Abdul-karim Hashim Mostafa, Permanent Representative of Iraq. Ambassador, on behalf of my Government and of the Conference, I would like to take this opportunity to assure you of our full cooperation and support in your new assignment.

Distinguished colleagues, for our discussion today on negative security assurances, I would like to welcome our two panellists and say a few words about them.

Usman Jadoon is the Director General (United Nations) at the Ministry of Foreign Affairs of Pakistan. Prior to taking up his current position, he served at the Permanent Mission of his country to the United Nations Office and other international organizations in Geneva. In this capacity, he demonstrated a high level of commitment to the work of the Conference on Disarmament, including on negative security assurances, as is widely recognized.

Marc Finaud is a former French diplomat who was seconded to the Geneva Centre for Security Policy between 2004 and 2013, where he now works training diplomats and military officers in international and human security and conducting research in those fields. During his 36-year career as a diplomat, from 1977 to 2013, he served in several bilateral positions in the Soviet Union, Poland, Israel and Australia, as well as on multilateral missions to the Conference on Security and Co-operation in Europe, the Conference on Disarmament and the United Nations. He holds a master's degree in international law and political science. He was also Senior Resident Fellow on the weapons of mass destruction programme at the United Nations Institute for Disarmament Research between 2013 and 2015.

Distinguished colleagues, I now give the floor to Mr. Jadoon

Mr. Jadoon (Pakistan): Mr. President, in this age of online meetings and webinars galore, I was most pleased to receive the invitation from your delegation to speak at the Conference on Disarmament, albeit in a virtual setting. It is very heartening to note that the Conference members, under your able stewardship, continue to seek common ground and to explore incremental progress on the various issues under the Conference's purview.

In order to introduce the topic under discussions today, I intend to speak not as the representative of Pakistan – you will get the opportunity to hear my country's official position from our delegation in Geneva – but I would rather try to briefly outline the history of agenda item 4 on negative security assurances, and then attempt to identify some key considerations that need to be addressed for meaningful progress to be made. My hope is to provide a historical perspective and some food for thought for subsequent discussions.

The issue of negative security assurances has now been on the international agenda for 55 years. As far back as 1966, the General Assembly adopted resolution 2153 A (XXI), in which it requested the Conference of the Eighteen-Nation Committee on Disarmament (one of the predecessor bodies of the Conference on Disarmament) to “consider urgently the proposal that nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories”.

In 1978, the General Assembly adopted by consensus the Final Document of the first special session of the General Assembly devoted to disarmament, in which it called upon the 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”. The Conference began considering the issue of negative security assurances as an integral part of its agenda right from its very first session, held in January 1979.

Since 1990, every year Pakistan has been tabling a resolution on negative security assurances at the General Assembly. It is adopted each year without any votes against, and recommends that the Conference “actively continue intensive negotiations with a view to

reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention”.

Mr. President, in 1979, two separate draft treaties were also submitted to the Conference, including one by Pakistan, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In 1998, an ad hoc committee was formed, for the last time, with a negotiating mandate on negative security assurances, but it could not be renewed or re-established in the years thereafter.

While the Movement of Non-Aligned Countries has consistently held that the only guarantee against the use or threat of use of nuclear weapons is their complete elimination, it has generally also maintained that, pending nuclear disarmament, the long-standing and genuine aspiration of non-nuclear-weapon States to receive negative security assurances should be fulfilled.

Over the years, while the Conference has remained unable to meet this expectation by commencing negotiations on an international treaty on negative security assurances, such assurances have been extended in different forms and formats, including: (a) as unilateral declarations by different nuclear-armed States; (b) through United Nations Security Council resolutions, notably resolutions 255 (1968) and 984 (1995); and (c) through protocols to the treaties establishing regional nuclear-weapon-free zones. However, these arrangements have neither been homogenous nor uniform, and have generally been qualified with various conditions, which keep changing over time and according to the circumstances. As a result, they have not been able to fully satisfy the intended beneficiaries.

Mr. President, a negative security assurances treaty negotiated and concluded in the Conference on Disarmament could prove beneficial on multiple counts, including in the domains of security and of non-proliferation, on ethical and moral grounds, as a step towards disarmament and restoration of international confidence in, and revitalization of, the disarmament machinery by ending the Conference’s long-standing impasse.

If one were to identify the core convergence on this issue, it could be argued that there is indeed general agreement on the need to credibly guarantee non-nuclear-weapon States that they will not be threatened or attacked with nuclear weapons. Views differ, however, on three key questions for concluding a multilateral treaty on negative security assurances. I will try to briefly summarize these three key considerations.

First, who would give the assurance? Nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or all nuclear-armed States? The obvious dilemma here is that excluding certain countries that possess nuclear weapons would serve only to limit the universal scope and coverage of the treaty. Oftentimes, it is assumed – mistakenly in my opinion – that certain countries could gain legitimacy for their status as nuclear-weapon States through such a legal instrument, or other nuclear-weapon States could use it to justify or prolong their nuclear weapons possession or holding. I personally believe that this view is misplaced because a treaty on negative security assurances would not supersede or override the existing legal regime governing non-proliferation. Moreover, additional safeguards can be built into the prospective treaty to ensure that it does not imply indefinite possession of nuclear weapons as a “legitimate” right.

The second key question is, who would be eligible to receive the assurance, or the question of exclusions. The exceptions discussed most often include: (a) whether States that enjoy positive security arrangements through extended nuclear deterrence umbrellas or those that provide bases or host nuclear weapons or that ally with a nuclear-weapon State, including for offensive purposes, will be included; (b) whether States that are not in compliance with their non-proliferation obligations will be eligible to receive such an assurance; and (c) whether States that possess other weapons of mass destruction, such as chemical or biological weapons, would stand to benefit from such assurances. The merits of each one of these – and possibly others – can be discussed and addressed during negotiations.

A third, peripheral question is where to negotiate the treaty. It is unfortunate that, despite being the sole disarmament negotiating forum and despite having had the item on its

agenda since its inception, the debate on the suitability of the Conference on Disarmament to serve as the forum for negotiating a treaty on negative security assurances still lingers on the fringe. While some would prefer to do this in the Non-Proliferation Treaty framework, it is interesting to observe that in action 7 of the 2010 Non-Proliferation Treaty Review Conference action plan, all States parties “agree” to begin substantive work on negative security assurances in the Conference on Disarmament. Whether we like it or not, the fact remains that the Conference on Disarmament is the only body where all essential stakeholders are represented for reaching an outcome with universal acclaim.

Mr. President, in my view, none of the key divergences I have pointed out is insuperable. Given the right amount of political will and resolve to forge a treaty on negative security assurances, these differences can be bridged. In fact, negative security assurances could be termed as the lowest hanging fruit on the Conference tree by virtue of the fact that member States’ positions are not as entrenched and politically charged as those on the other core issues.

One concrete way of moving forward would be to aggregate in a matrix all of the existing measures covered under the negative security assurances provided through unilateral declarations or through the United Nations Security Council resolutions, as well as through the protocols to the various treaties on zones free of nuclear weapons. It would help identify the significant overlap and common elements between the three, which could be the point of departure for fleshing out other details of the treaty.

Mr. President, I shall stop here to respect the time allocated to me, but I stand ready to address any question on any additional elements, should you or any Conference member so desire.

The President: I thank Mr. Jadoon for his rich and pertinent presentation. I now give the floor to Mr. Finaud.

Mr. Finaud (Geneva Centre for Security Policy): Let me first express my sincere gratitude to you, Mr. President, for having invited me to speak again to the Conference on Disarmament as an independent expert on the issue of negative security assurances. It is a great honour for me and for my organization, the Geneva Centre for Security Policy.

At the 2018 and 2019 sessions, I already had a chance to address this agenda item and refer to a background paper I co-authored with my colleague, John Borrie, from the United Nations Institute for Disarmament Research and presented to the then subsidiary group 4. The aim of that paper was to map all the existing unilateral statements or legally binding commitments made by the nuclear-armed States regarding assurances of non-use or non-threat of use of nuclear weapons against non-nuclear-weapon States.

We concluded that this mapping demonstrated the diversity of positions of nuclear-armed States, including changes over time and, in particular, the variety of conditions required by such States to implement their assurances, as well as a number of points that would need to be clarified because of the ambiguity of the way they are formulated. In this sense, the demand of non-nuclear-weapon States for a clear, single and legally binding formula of negative security assurance by all nuclear-armed States is more relevant than ever.

My other conclusion in 2019 was that it is now high time to consider this issue of negative security assurances in the context of nuclear risk reduction. The objective of preventing any new use of nuclear weapons – be it intentional, resulting from escalation in a conventional conflict, unauthorized, resulting from miscalculation or misperception, or accidental – is common ground among all States, irrespective of their positions on the legitimacy or illegality of nuclear weapons. Let us remember that, in the Final Document of the Tenth Special Session of the General Assembly, held in 2010, the Conference expressed “its deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons”.

This is why, in action 5 of that Final Document, the nuclear-weapon States were called upon, in particular, to:

(d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

(e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security; and

(f) Reduce the risk of accidental use of nuclear weapons.

And the five Non-Proliferation Treaty nuclear-weapon States do not disagree with this. In their 2016 joint statement, they “reiterated their common understanding of the severe consequences of use of nuclear weapons. They underscored their resolve to prevent such an occurrence from happening.”

Today, this takes on new importance and urgency with the growing recognition that the risk of use of nuclear weapons has never been so high since the cold war.

As everyone knows, the most effective and radical means of eliminating the risk of use of nuclear weapons would be, of course, their total elimination. However, in the meantime, if all States that have verifiably renounced nuclear weapons were protected against the use or threat of use of nuclear weapons, it would greatly contribute to the goal of lowering the risk of nuclear war.

More and more experts and decision makers agree that the most comprehensive negative security assurance would be a “no first use” policy, meaning the commitment by all nuclear-armed States to limit the case of use of nuclear weapons to retaliation against an attack with nuclear weapons. This policy, proclaimed by China and India – who should be encouraged to maintain it – was under discussion during the Obama Administration in the United States of America, and is now required by a bill in Congress supported by leading think tanks and experts. It would be a major advance if the Biden Administration adopted this policy and the Russian Federation reciprocated. Indeed, there is no evidence that any non-nuclear attack, whether conventional, chemical, biological or cyber, could threaten the vital interests of nuclear-armed States or their very existence and justify a nuclear response. As the former Permanent Representative of Italy to this Conference, Ambassador Carlo Trezza, recently wrote: “This mission is worth pursuing: if all nuclear-weapon States agreed not to be the first to use nuclear weapons, then in principle no nuclear war could break out.”

Of course, before such a policy is adopted by all nuclear-armed States, the need will remain to clarify the conditions under which non-nuclear-weapon States can benefit from negative security assurances. Indeed, some of the declarations of the nuclear-armed States, as recalled in the background paper of 2018, include gaps or grey areas that do not constitute assurances, but create unwarranted uncertainties and doubts. When a State claims that it would not use nuclear weapons against non-nuclear-weapon States, but reserves the right to use them in case of use of other weapons of mass destruction against it or its allies or in case of aggression involving conventional weapons that would threaten the very existence of the State, does this mean that it also includes attacks by non-nuclear-weapon States? When another State declares that it will not use nuclear weapons against non-nuclear-weapon States that are parties to the Non-Proliferation Treaty and are complying with their international non-proliferation commitments in terms of weapons of mass destruction, does this mean that it could use nuclear weapons against a non-nuclear-weapon State that had violated the Biological Weapons Convention or the Chemical Weapons Convention, not necessarily in an attack against that State?

Of course, we know that there are other ways and means of reducing the risk of any use of nuclear weapons, such as de-alerting, hotlines and confidence- and security-building measures, particularly in zones of potential conventional conflict or tensions, such as the North Atlantic Treaty Organization-Russia contact zones. Recommendations have been formulated by independent experts, particularly within the Organization for Security and Cooperation in Europe Network of Think Tanks and Academic Institutions and the European Leadership Network, and they should now be implemented by the respective Governments.

The President (*spoke in French*): Thank you, Sir.

(spoke in English)

Distinguished colleagues, I now open the floor. The first speaker on my list is Ms. Keah of Kenya on behalf of the Group of 21.

Ms. Keah (Kenya): Please allow me, Mr. President, to convey the apologies of Ambassador Cleopa Mailu, who could not be with us this morning owing to other official engagements. My sincere appreciation to the panellists for their insightful presentations and a warm welcome to the distinguished Ambassador of Iraq.

The delegation of Kenya has the honour to deliver the following statement on negative security assurances on behalf of the Group of 21.

The Group of 21 reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Group remains convinced that, as long as nuclear weapons exist, the risk of their use and proliferation persists. Therefore the Conference on Disarmament should start negotiations on a phased programme for the complete elimination of nuclear weapons, including a nuclear-weapons convention prohibiting the possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use of nuclear weapons, as mandated by the General Assembly in its resolution 68/32, leading to agreement on the global, non-discriminatory and verifiable elimination of nuclear weapons, within a specified time frame.

Pending the achievement of the complete elimination of nuclear weapons, the Group reaffirms the urgent need to reach an early agreement on a universal, unconditional, irrevocable and legally binding instrument to effectively assure non-nuclear-weapon States against the use or threat of use of nuclear weapons under all circumstances, as a high priority, as called for by the General Assembly in its resolution 75/34. Such an instrument should be clear, credible, without any ambiguity, non-discriminatory and should respond to the concerns of all the parties. The Group stresses, in particular, that the negative security assurances provided under a legally binding instrument should be without any conditions.

The Group reaffirms the right of non-nuclear-weapon States not to be attacked by or threatened by the nuclear-weapon States with the use of nuclear weapons, and strongly calls upon the nuclear-weapon States to refrain from any such action or threat, whether implicit or explicit.

The Group underlines the unanimous conclusion of the International Court of Justice, in its advisory opinion of 1996, that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

The Group recalls the convening of the high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, which demonstrated that this issue remains a major international priority. The Group supports and calls for the full implementation of the relevant General Assembly resolutions: 68/32, 69/58, 70/30, 71/71, 72/251, 73/40, 74/54 and 75/45 to follow up on that meeting. The Group also highlights the importance of the commemoration of 26 September as the International Day for the Total Elimination of Nuclear Weapons, devoted to furthering this objective, and welcomes the decision to convene, in New York, on a date to be decided later, a United Nations high-level international conference on nuclear disarmament.

The Group highlights the objectives laid down by the General Assembly in its resolution 75/47, entitled “Promotion of multilateralism in the area of disarmament and non-proliferation”, in which, among other things, it reaffirmed multilateralism as the core principle in resolving disarmament and non-proliferation concerns.

The Group underscores the need to eliminate the role of nuclear weapons in strategic defence doctrines, security policies and military strategies, which not only set out rationales for the use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security, based on promoting and developing military alliances’ nuclear deterrence policies.

The Group believes that, pending the total elimination of all nuclear weapons, the establishment of nuclear-weapon-free zones, taking into account the provisions of the first

special session of the General Assembly devoted to disarmament, is a positive step and an important measure towards strengthening global nuclear disarmament and non-proliferation. In this context, the Group welcomes the nuclear-weapon-free zones established by the Treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba, Semipalatinsk and the nuclear-weapon-free status of Mongolia. The Group of 21 welcomes resolution 69/66 of the General Assembly, in which it decided to convene the third Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia as a one-day Conference, in New York in 2015 (under the leadership of Indonesia). The Group notes with appreciation the various efforts that have been deployed in this regard to produce concrete results.

The Group reiterates that, in the context of nuclear-weapon-free zones, it is essential that nuclear-weapon States provide unconditional assurances against the use or threat of use of nuclear weapons to all States in those zones. In this regard, the Group urges nuclear-weapon States to withdraw all reservations and interpretative declarations to the protocols to the nuclear-weapon-free zone treaties.

The Group welcomes the formal proclamation, for the first time in history, of Latin America and the Caribbean as a zone of peace, on the occasion of the Second Summit of the Community of Latin American and Caribbean States (CELAC), held in Havana, Cuba, on 28 and 29 January 2014, which included the commitment of all States in that region to promote nuclear disarmament as a priority objective and to contribute to general and complete disarmament. We hope that this proclamation will be followed by other political proclamations of zones of peace in other regions of the world. The Group welcomes the Political Declaration of Quito, adopted at the Fourth Summit of Latin American and Caribbean States, held in Quito, Ecuador, on 27 January 2016, which reaffirms, *inter alia*, the commitment of CELAC to the preservation of international peace and security, political independence and nuclear disarmament conducive to general, total and verifiable disarmament. The Group also welcomes the Political Declaration of Punta Cana, adopted at the Fifth Summit of Latin American and Caribbean States, held in Punta Cana, Dominican Republic, on 25 January 2017, which reaffirms, *inter alia*, the commitment of CELAC to achieving a total prohibition on and the elimination of nuclear weapons. CELAC reaffirms its commitment to the consolidation of Latin America and the Caribbean as a zone of peace and highlights the region's character as the first ever zone free of nuclear weapons, as established by the Treaty of Tlatelolco. The Group welcomes the celebration of the fiftieth anniversary of the Treaty of Tlatelolco on 14 February 2017, held in Mexico, in the framework of the twenty-fifth session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

The Group reiterates its strong support for the establishment in the Middle East of a zone free of all nuclear weapons. To this end, the Group reaffirms the need for the expeditious establishment of such a zone in response to Security Council resolution 487 (1981) and paragraph 14 of Security Council resolution 687 (1991) and the relevant resolutions of the General Assembly. The Group acknowledges the success achieved in the convening by the Secretary-General of the first session of the Conference to elaborate a treaty on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, in accordance with the mandate entrusted to him by the General Assembly in its decision 73/546. The Group calls upon all States to actively support this process and to contribute to its success.

The States of the Group of 21 that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) express their disappointment and deep concern that three States parties, including two States that bear special responsibility as Treaty depositary and co-sponsors of the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference, blocked consensus on the draft outcome document of the ninth Review Conference, including on the process for establishing a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as contained in the resolution on the Middle East. This could undermine efforts towards strengthening the Treaty regime as a whole. The States of the Group of 21 that are parties to the Treaty reaffirm that the 1995 resolution on the Middle East continues to constitute the basis for the establishment of such a zone and remains valid until fully implemented. The States of the Group of 21 that are

parties to the Treaty also express their serious concern over the lack of implementation of the 1995 resolution and, in accordance with paragraph 6 of the resolution, “call upon all States to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction”, and reaffirm that the co-sponsors of the resolution must take all the necessary measures to fully implement it without further delay. The States of the Group of 21 that are parties to the Treaty express their utmost concern that the persistent lack of implementation of the 1995 resolution, contrary to the decisions made at the relevant Review Conferences, erodes the credibility of the Treaty and disrupts the delicate balance among its three pillars, taking into account that the indefinite extension of the Treaty is inextricably linked to the implementation of the 1995 resolution on the Middle East. In this context, the States of the Group of 21 that are parties to the Treaty reaffirm the urgency of the accession of Israel to the Treaty without further delay and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards.

While the Group believes that the establishment of nuclear-weapon-free zones constitutes a positive step towards strengthening global nuclear disarmament and non-proliferation, it does not subscribe to the argument that the 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. In addition, given their geographical limitations, security assurances given to States members of nuclear-weapon-free zones cannot be a substitute for universal legally binding security assurances.

The Group recalls that the demand for security assurances was raised by the non-nuclear-weapon States in the 1960s and crystallized in 1968 during the concluding phase of the negotiations on the Treaty. The response of the nuclear-weapon States, however, as reflected in Security Council resolutions 255 (1968) and 984 (1995), was incomplete, partial and conditional. The demand for assurances therefore persists.

The Group accepts that, while various approaches exist, efforts to conclude a universal and legally binding instrument on negative security assurances to non-nuclear-weapon States should be vigorously pursued. The Group considers that the conclusion of such an instrument would be an important step towards achieving the objectives of arms control, nuclear disarmament and nuclear non-proliferation in all its aspects.

The Group takes note of the substantive and interactive informal discussions on negative security assurances held in the Conference on Disarmament from 18 to 20 June 2014, pursuant to the decision on a schedule of activities of the 2014 session contained in document CD/1978; on 27 August 2015, pursuant to the decision on a schedule of activities of the 2015 session contained in document CD/2021; from 28 to 30 June 2017, pursuant to the decision on the establishment of a working group on the “way ahead” contained in document CD/2090; and in 2018, in subsidiary body 4, pursuant to the decisions contained in documents CD/2119 and CD/2126.

The President: I thank Ms. Keah and I now give the floor to Ambassador Hashim Mostafa of Iraq.

Mr. Hashim Mostafa (Iraq) (*spoke in Arabic*): Mr. President, I wish to congratulate you on your assumption of the presidency of the Conference on Disarmament. You can count on the support of Iraq for your work. We also wish to endorse the statement made by the delegate of Kenya on behalf of the Group of 21. Permit me, in addition, to make a brief statement in our national capacity.

Mr. President, security guarantees stem from Article 2 (4) of the Charter of the United Nations, which prohibits the threat or use of force between Member States of the United Nations. Non-nuclear-weapon States are entitled to demand negative security assurances because they have voluntarily renounced the possession of nuclear weapons through their accession to the Non-Proliferation Treaty. They hope eventually to achieve general and complete disarmament, in accordance with article VI of the Non-Proliferation Treaty. The International Court of Justice, in its advisory opinion of 8 July 1996, underscored the need for nuclear-weapon States to abide by their obligations to conduct negotiations in good faith

in order to achieve the goal of the total elimination of nuclear weapons. The Court also acknowledged in its advisory opinion that the threat of the use of nuclear weapons is unlawful.

The provision of assurances to non-nuclear-weapon States would bolster the nuclear non-proliferation regime and promote mutual confidence between nuclear-weapon and non-nuclear-weapon States. While the assurances contained in Security Council resolution 984 (1995) and the unilateral declarations by nuclear-weapon States are positive steps, the assurances are actually conditional and fail to meet the aspirations of non-nuclear-weapon States parties to the Non-Proliferation Treaty and to respond to their legitimate security concerns.

The Government of the Republic of Iraq stresses the importance of establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction. We commend in this connection the steps taken to convene the first session of the Conference on the Middle East in November 2019 pursuant to decision A/73/546 of the General Assembly. The aim was to support international efforts to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East in a manner that would contribute to international peace and security. My Government looks forward to the convening of the second session of the Conference in 2021 and guarantees our full and continuous support for the event.

My delegation wishes to underscore in this context that regional security will be unattainable if one of the parties reneges on its commitments to nuclear disarmament and non-proliferation. There is an urgent need for Israel to abandon its nuclear weapons, to join the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear party and to place all its nuclear facilities under the comprehensive safeguards system of the International Atomic Energy Agency.

The Government of the Republic of Iraq believes that negative security assurances should be codified in a legally binding international instrument in the form of a protocol or a convention. The Government of the Republic of Iraq also urges the Conference on Disarmament to establish a subcommittee tasked with conducting negotiations on the drafting of a legally binding instrument that includes effective international arrangements for protecting non-nuclear-weapon States from the use or threat of the use of nuclear weapons. While negative security assurances are a just and legitimate demand on the part of non-nuclear States that have voluntarily renounced any military nuclear options by joining the Non-Proliferation Treaty, they cannot be deemed to serve as a substitute for the goal of complete nuclear disarmament.

The President: I thank Mr. Hashim Mostafa and I now give the floor to Ambassador Gamaleldin of Egypt.

Mr. Gamaleldin (Egypt): I would like to start by thanking you for organizing this meeting and dedicating it to discussing agenda item 4 on negative security assurances. I would also like to thank our panellists today for their insightful presentations. Egypt fully associates itself with the statement delivered by the representative of Kenya on behalf of the Group of 21 on this matter.

Mr. President, it is notable that in 1968, in recognition of the abhorrent nature of nuclear weapons, the international community concluded a legally binding treaty through which it aimed to eliminate nuclear weapons. But to this day, over 40 years later, we have not been able to conclude a treaty renouncing the very use of such weapons – a step that, sequentially, should have preceded their elimination, as an interim measure recognizing the right of non-nuclear-weapon States not to be attacked or threatened by the use of nuclear weapons.

Positive steps towards providing assurances against the use of nuclear weapons have been pursued over the years, including through the adoption of Security Council resolutions 255 (1968) and 984 (1995), declarations issued by nuclear-weapon States, and the creation of several regional nuclear-weapon-free zones. Egypt welcomes such measures and recognizes their benefits. However, those measures remain incomplete and therefore cannot constitute a substitute for concluding a universal, unconditional and legally binding instrument to effectively assure non-nuclear-weapon States against the use or threat of use of

nuclear weapons. In this connection, Egypt has been adamantly calling for and pursuing efforts towards the establishment of a zone free of nuclear weapons in the Middle East, in accordance with the numerous Security Council and General Assembly resolutions and in implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Lately, encouraging developments have taken place in this regard, as the first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction was successfully organized under the presidency of Jordan, and a forward-looking political declaration and a final report were adopted.

Egypt believes that this consensus-based process could significantly contribute to strengthening the international nuclear disarmament regime and accelerate the process of achieving a nuclear-weapon-free world. We look forward to the support of the international community in this process, as participants prepare for the second session of the Conference, to be held under the presidency of Kuwait at the end of this year.

Mr. President, Egypt is a non-nuclear-weapon State. We are not part of any nuclear or military alliances. We are a party to the Non-Proliferation Treaty and we are still waiting for assurances to be provided in the manner prescribed. With that in mind, Egypt reiterates its strong support for the International Court of Justice 1996 advisory opinion on the legality of the threat or use of nuclear weapons, in which the Court concluded 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."

Pending the attainment of this goal and the fulfilment of article VI of the Non-Proliferation Treaty, Egypt highlights the need to provide States that have renounced nuclear weapons with the much-needed negative security assurances as an interim measure, until general and complete nuclear disarmament obligations have been fulfilled. Those States, by renouncing nuclear weapons, have constructively and effectively contributed to enhancing our overall collective peace and security and the least that can be done is to grant them such assurances.

It is worth mentioning that there have been several successful endeavours on negative security assurances within the framework of the Conference on Disarmament – namely, the decision contained in document CD/1639 of 2003, which included reference to a negotiating mandate on negative security assurances. Egypt supported that as a basis for a programme of work.

In conclusion, Egypt stands firm in its position that there is an urgent and pressing need to conclude a universal, unconditional and legally binding instrument to effectively assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and we have previously demonstrated our readiness to negotiate such an instrument within the Conference.

The President: I thank the Ambassador of Egypt and now give the floor to Ms. McKernan of the United States of America.

Ms. McKernan (United States of America): The United States welcomes the opportunity to address the issue of security assurances, both positive and negative.

We acknowledge the critical importance of security assurances for States that have forsworn nuclear weapons and abide by their nuclear non-proliferation obligations.

Such assurances are a key benefit derived from being a State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and fulfilling non-proliferation obligations.

The first assurances were established in 1968 by the United States, the United Kingdom and the Soviet Union. Each announced that they would seek immediate Security Council action to provide or support assistance, in accordance with the Charter of the United Nations, to any Treaty non-nuclear-weapon State that was victim to either aggression involving nuclear weapons or threatened by such aggression.

These positive security assurances were adopted by the Security Council in its resolution 255 (1968), and in 1995, the five nuclear-weapon States made security assurances that were noted in Security Council resolution 984 (1995). In that resolution, Member States were also invited to take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State that is a victim of an act of aggression with nuclear weapons.

In addition to positive security assurances, non-nuclear-weapon States have sought assurances that nuclear-weapon States will not use nuclear weapons or threaten to attack them. The United States offered its first negative security assurance in 1978, when the Secretary of State, Cyrus Vance, on behalf of President Carter, addressed the first special session of the General Assembly devoted to disarmament.

Since then, the United States has gone further, including as part of our 2010 and 2018 Nuclear Posture Reviews, which state: “The United States will not use or threaten to use nuclear weapons against non-nuclear weapons States that are party to the NPT and in compliance with their nuclear non-proliferation obligations.”

The United States seeks to reduce the role of nuclear weapons in our national security strategy, and while we are not prepared to offer or negotiate a universal, legally binding negative security assurance, the United States has extended legally binding negative security assurances to parties to the Treaty of Tlatelolco through its relevant protocol.

The United States has also signed the relevant protocols to the Treaties of Rarotonga, Pelindaba and Semipalatinsk and submitted them to the Senate for its advice and consent for ratification.

The United States has also long supported treaties on zones free of nuclear weapons in other regions across the world as a way for States to improve the security environment in their respective regions. These treaties reinforce the Non-Proliferation Treaty and the global non-proliferation regime, and advance disarmament on a regional basis.

The principles and guidelines on the establishment of nuclear-weapon-free zones adopted by the Disarmament Commission in 1999 include the central principle that such zones should be established on the basis of arrangements freely arrived at among all States of the region concerned. The United States reaffirms its strong support for nuclear-weapon-free zones that meet these criteria.

The President: I thank Ms. McKernan of the United States of America. I now give the floor to Ms. Porta of Argentina.

Ms. Porta (Argentina) (*spoke in Spanish*): Thank you very much, Mr. President. At the outset, my delegation wishes to welcome the new Permanent Representative of Iraq, His Excellency Hashim Mostafa, and assure him of my delegation’s full cooperation.

Argentina has a clear and ongoing commitment to disarmament and the non-proliferation of nuclear weapons, the cornerstone of which is the Treaty on the Non-Proliferation of Nuclear Weapons).

The current international challenges underline the crucial importance of the ultimate goal of the Treaty: to build a robust regime enabling countries to renounce nuclear weapons as an option and placing existing arsenals within an ongoing process of verifiable, transparent and irreversible disarmament.

As regards negative security assurances, Argentina is convinced that non-nuclear-weapon States will not be completely safe until nuclear-weapon States progress towards the recognition of effective international agreements that guarantee that such weapons will not be used against us – or used as a threat – especially as we, the non-nuclear-weapon States, are complying fully with our non-proliferation obligations.

While Argentina recognizes “no first use” policies as concrete measures to provide assurances to non-nuclear-weapon States, we consider them temporary measures on the road towards achieving the objectives of the Treaty. At the same time, Argentina is of the view that negative security assurances can be an important preliminary step towards a world free of nuclear weapons. Accordingly, the establishment of zones free of nuclear weapons is a

practical way to promote and implement the pledges made by nuclear-weapon States to refrain from using, or threatening to use, nuclear weapons against non-nuclear-weapon States. Still, this is no substitute for States' nuclear disarmament obligations, but rather a vehicle to build trust among non-nuclear-weapon States.

In this connection, my delegation wishes to highlight that Latin America has long been at the forefront of disarmament and non-proliferation. Even before the entry into force of the Non-Proliferation Treaty, the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) made a real and effective contribution to regional and global peace and security and served as inspiration and a model for establishing such zones in other regions.

Argentina therefore calls once again on the nuclear-weapon States to look at the interpretative declarations to the protocols additional to the Treaty of Tlatelolco.

In conclusion, my delegation believes that the possible adoption of an agreement granting negative security assurances must not undermine existing assurances provided by nuclear-weapon States within the framework of nuclear-weapon-free zones and relevant Security Council resolutions. Nor should such an agreement be a substitute for the obligations deriving from article VI of the Non-Proliferation Treaty. Thank you very much, Mr. President.

The President (*spoke in French*): Thank you, Ms. Porta.

(*spoke in English*)

I now give the floor to Ambassador Werdaningtyas of Indonesia.

Ms. Werdaningtyas (Indonesia): Colleagues, good morning. Let me begin by expressing our appreciation to the Cameroonian presidency for convening the thematic debate on agenda item 4, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, an issue to which Indonesia attaches great importance.

Indonesia associates itself with the statement delivered by Kenya on behalf of the Group of 21 and wishes to convey a few remarks in its national capacity.

Mr. President, the issue of negative security assurances is important in the multilateral process aimed at reducing nuclear weapons towards "global zero".

Unfortunately, despite constant calls over decades from a number of non-nuclear-weapon States, no international legally binding treaty or resolution containing negative security assurances is yet in place.

A legally binding instrument on negative security assurances is a perfectly reasonable request, as it would provide a sense of security for those States that have been unfailingly committed to forgoing the acquisition of nuclear weapons and to placing all their nuclear facilities under international safeguards, thus fulfilling their part of the so-called grand bargain.

I would like to thank the panellist for taking us through some of the important events on the timeline of the development of the issue.

In the Final Document of the first special session of the General Assembly devoted to disarmament, held in 1978, the General Assembly urged the 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".

In the Final Document of the Tenth Special Session of the General Assembly, the General Assembly again called on the Conference on Disarmament to immediately begin discussion of effective international arrangements on negative security assurances, and all nuclear-weapon States committed to fully respect their existing commitments with regard to security assurances.

Every year, the General Assembly has been urging the 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.

The Conference itself has been discussing this topic annually, including within the framework of the ad hoc committee from 1983 to 1994, and most recently in the discussions in subsidiary body 4 in 2018.

Over the decades, we have also seen the development of various concepts and initiatives that have been introduced to provide a way to move forward. Regrettably, most of them have failed to meet the fundamental security guarantee needed by non-nuclear-weapon States.

It is worth noting that in principle, there is no objection to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

We recognize that there are still divergent views with regard to a common approach that would be acceptable to all, for example, on the scope, nature and form of these future arrangements.

But as many delegates have underscored during the past week, these divergent views on specific issues could be addressed during the negotiations, without impeding us from commencing the negotiations to find the points of convergence, which we believe is possible, as long as we are willing to do so.

Mr. President, Indonesia notes the declarations made by the nuclear-weapon States. We are fully aware that the five Non-Proliferation Treaty nuclear-weapon States have made various pledges regarding negative security assurances, including the unilateral assurances contained in Security Council resolutions 255 (1968) and 984 (1995).

Indonesia recognizes that there have been nuclear-weapons-free zones established covering more than 100 countries, including in South-East Asia.

However, these do not provide adequate assurances to uphold the legitimate right of non-nuclear-weapon States, as they are either non-binding, limited in scope or subject to conditions. In the case of the nuclear-weapon-free zones, most of the protocols concerning negative security assurances have not been ratified by all the nuclear-weapon States.

Therefore, it is prudent for non-nuclear-weapon States to keep calling for an early agreement on an effective, universal, unconditional, non-discriminatory and irrevocable legally binding instrument on negative security assurances.

In this regard, I would like to take this opportunity to appeal again to all States, especially the nuclear-weapon States, to work actively and genuinely towards an early agreement on a common approach and, in particular, on elements that could be included in an international legally binding instrument on negative security assurances, and to commence the negotiations, find common ground and overcome difficulties during the negotiations.

From the outset, the negotiations on negative security assurances could be built upon previous discussions, documents and all the relevant views and proposals that have been expressed and made in the past and at present, which we believe could serve as potential building blocks.

Relevant Security Council resolutions and protocols on nuclear-weapon-free zones could certainly be another valuable basis.

Mr. President, as we have consistently pointed out, nuclear disarmament will always be our highest priority. Pending this achievement, the commencement of negotiations on negative security assurances could be seen as long-overdue compensation or an incentive for the States that have faithfully upheld their obligations under the Non-Proliferation Treaty.

As some of you attach great importance to certain topics under other items on the Conference agenda, it is only fair and proper for the Conference to also consider concrete arrangements to provide concomitantly for negotiations on negative security assurances.

With that, we can prove that the interests of both nuclear-weapon and non-nuclear-weapon States are addressed equally and appropriately in this august forum.

The President: I thank Ambassador Werdaningtyas of Indonesia and I now give the floor to Mr. Wei Chen of China.

Mr. Wei Chen (China) (*spoke in Chinese*): Thank you for organizing this thematic discussion. As Ambassador Li Song is unable to attend this plenary meeting owing to his schedule, he has asked me to read out the position of China on the issue of negative security assurances on his behalf.

China thanks Mr. Jadoon of Pakistan and Mr. Finaud of the Geneva Centre for Security Policy for their statements and aligns itself with the collective statement of the Group of 21. Against the backdrop of the upcoming tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), it is more important and urgent than ever for the Conference on Disarmament to launch negotiations on an international legal instrument on negative security assurances. This low-hanging fruit should be the priority direction of the work of the Conference in the coming period.

Looking back to 1979, when the Conference was first established, an ad hoc working group on negative security assurances was set up and member States submitted draft treaties on the topic. Since then, the Conference has also set up ad hoc committees to discuss the topic in depth on several occasions, laying a solid foundation for our future work.

Over the past decades, the final documents of the NPT review conferences and the related consensus, as well as all Security Council resolutions, such as resolution 984 (1995), which confirm and strengthen the international nuclear non-proliferation regime with the Non-Proliferation Treaty as its cornerstone, have provided fundamental guidelines for our substantive discussions.

In recent years, the international community has continued its efforts to promote the establishment of nuclear-weapon-free zones, with more than 100 non-nuclear-weapon States having established such zones through relevant treaties, while nuclear-weapon States have provided legally binding security assurances through the signing and ratification of protocols to treaties on zones free of nuclear weapons, all of which has paved the way for our negotiation work.

Turning to the present, the Conference should conclude a universal, unconditional and legally binding international legal instrument on negative security assurances at the earliest possible date.

“Universal” means responding realistically to the universal aspiration of the vast number of non-nuclear-weapon States to obtain security assurances. No State member of the Conference has raised any objection in principle to the idea of negotiating such an international legal instrument, and no State has voted against the resolutions on negative security assurances adopted by the General Assembly over the years. The negotiation of such a treaty would not only not harm the security interests of any member State of the Conference but would also unquestionably increase the common and universal security of all member States.

“Unconditional” means completely casting off nuclear weapons and the threat of nuclear war and attaching no conditions to negative security assurances. The removal of preconditions for the provision of negative security assurances by the nuclear-weapon States concerned, and the freedom of non-nuclear-weapon States from being attacked with nuclear weapons under any circumstances, would greatly contribute to the consolidation and strengthening of the international nuclear non-proliferation regime.

“Legally binding” means making negative security assurances into a legal obligation. For non-nuclear-weapon States assuming the obligation not to develop or acquire nuclear weapons, demanding to be protected from the threat of nuclear weapons, and to have such security assurances established in a legally binding form is a perfectly legitimate and reasonable security demand.

Negative security assurances are not a favour granted by nuclear-weapon States to non-nuclear-weapon States but an important measure to prevent the proliferation of nuclear weapons and maintain the international nuclear non-proliferation regime with the Non-Proliferation Treaty as its cornerstone. The conclusion of an international legal instrument will help to resolve the issue of security assurances provided by nuclear-weapon States to non-nuclear-weapon States in a comprehensive, effective and lasting manner.

Looking ahead, the nuclear-weapon States should actively participate in and support the negotiation in the Conference of an international legal instrument on negative security assurances and, more importantly, should take positive and responsible steps with regard to the use of nuclear weapons.

Since the day it came into possession of nuclear weapons, China has solemnly pledged not to be the first to use nuclear weapons at any time or under any circumstances and has unconditionally undertaken not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. Chinese policy on negative security assurances is the clearest among those of the five nuclear-weapon States and is free of any reservations whatsoever. China has reaffirmed and confirmed these commitments in a variety of political and legal forms, tailored to the specific circumstances of the regions and countries concerned. China has signed and ratified all the protocols to nuclear-weapon-free zone treaties that have been opened for signature, and its negative assurance policy applies equally to the South-East Asia nuclear-weapon-free zone. China actively promotes dialogue between the five nuclear Powers and the countries of the Association of Southeast Asian Nations and is committed to resolving the remaining issues of the nuclear-weapon States concerned regarding the protocols to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone, with a view to the early signing and ratification of the protocols by the five nuclear Powers.

We call on the major Powers to review and assess their nuclear policies, conscientiously adopt a responsible attitude, ratify the relevant protocols on zones free of nuclear weapons as soon as possible and commit unconditionally to negative security assurances, while at the same time reducing the role of nuclear weapons in their national security policies, so as to genuinely contribute to reducing nuclear risks and promote the nuclear disarmament process. We hope that the major Powers will abandon their double standards on the issue of nuclear non-proliferation, actively participate in the dialogue aimed at establishing a zone free of nuclear and other weapons of mass destruction in the Middle East and actively consider giving negative security assurances to all countries in that region, so as to genuinely work for lasting peace and universal security in the Middle East and the world.

Thank you, Mr. President.

The President: I thank Mr. Wei Chen of China. I now give the floor to Ambassador Klymenko of Ukraine.

Mr. Klymenko (Ukraine): Mr. President, distinguished delegates, I would like to express my gratitude to the Cameroonian presidency for organizing the thematic discussion on agenda item 4, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

I would also like to thank the panellists for the insights they provided on the topic. As I am ending my term in Geneva, this will be my last intervention in the Conference on Disarmament. I will therefore first make several remarks on the topic under discussion, then convey some farewell messages on the work of the Conference more generally.

On the issue of negative security assurances, we strongly believe that complete and irreversible nuclear disarmament is the only guarantee of humanity's protection from the deadly consequences of a possible use of nuclear weapons. This goal requires a long-term approach with practical steps and effective disarmament measures to be taken in a transparent and irreversible manner, building a system of mutually reinforcing instruments for the achievement and maintenance of a world without nuclear weapons.

Almost 27 years ago, Ukraine took a proactive approach, setting an example to be followed, by abandoning its nuclear capability and acceding to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State.

Ukraine has always considered negative security assurances to be a practical element of reducing insecurity, which in most cases is considered to be one of the key motives for the development of nuclear weapon capabilities.

The Budapest Memorandum marked the end of several years of negotiations between certain successor States of the Soviet Union and leading nuclear powers, in which Ukraine

had a special place. However, further well-known developments since 2014 have resulted in the Budapest Memorandum in fact becoming Ukraine's forgotten security guarantee.

We have repeatedly raised the issue of the need to refine that instrument with an additional mechanism to ensure its implementation. It was also noted during the deliberations of subsidiary body 4 in 2018 that the necessary steps should be taken in the Conference to start to work in accordance with its mandate as soon as possible and to pave the way towards initiating multilateral negotiations on an agreement regarding negative security assurances.

I would like to reiterate the importance of negative security assurances for strengthening the non-proliferation regime and fostering a new quality of regional and global security.

We would like to believe that the fate of the Budapest Memorandum and Ukraine's experience in this regard will not discourage efforts to maintain the non-proliferation regime. There is still a chance to revive the Budapest Memorandum by updating it, which would have a positive impact on overall non-proliferation endeavours, especially on the eve of the Non-Proliferation Treaty Review Conference. We believe in the power of international law, which must prevail.

Mr. President, distinguished delegates, since 2014, I have had the honour of representing Ukraine on this august disarmament body and I have always believed in the important role of the Conference on Disarmament as a worldwide single multilateral negotiation forum.

In the past, the Conference has fulfilled its role quite successfully, leading to the adoption of several legally binding documents that are custodians of the preservation of international peace and security.

I am convinced that, despite the protracted impasse, the Conference's potential has not yet been exhausted and its member States will show their willingness to consolidate their efforts in order to overcome the existing stalemate.

During Ukraine's presidency of the Conference in 2019, the main focus was on finding a breakthrough solution to ensure the further substantive work of this forum. Based on that experience, my advice to you would be to keep trying to remain open-minded and to think outside the box. History has proved that a political view and trust will inevitably appear.

But to move on in the field of disarmament, first of all we have to ensure compliance with the existing arms control and non-proliferation international instruments, while preventing their further erosion. That has to be confirmed by concrete actions. I believe that one day, the Conference will overcome the protracted stalemate and will be able to operate at full strength.

I hope that my successor's term here in Geneva will be marked by participation in negotiations on a new legally binding document, such as an international agreement on negative security assurances or some such.

Distinguished delegates, it has been an honour for me to work with you for all these years. I have met many brilliant professionals and extraordinary characters in the Conference on Disarmament. I extend my special gratitude to the Conference secretariat for its dedication and to the interpreters for their highly professional work. I wish all of you inspiration and further fruitful, results-oriented discussions.

The President: I thank you, Ambassador Klymenko, and wish you success for your future duties. I now give the floor to Ambassador Sánchez de Lerín García-Ovies of Spain.

Mr. Sánchez de Lerín García-Ovies (Spain) (*spoke in Spanish*): Good morning. Thank you very much, Mr. President. Firstly, allow me to congratulate you on your presidency, which is an example to be emulated when it comes to predictability and order. I also wish to commend your choice of panellists for today's meeting, as they have again made key contributions to our deliberations.

Today, we are discussing effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons – in other words, negative security assurances. And when researching the topic, I found out that the issue has been on

the agenda of the Conference on Disarmament since 1979, that numerous working groups were set up between 1979 and 1994, that an ad hoc Committee was established in 1998 and that the Conference conducted substantive discussions on the topic in different formats in 2014, 2015 and 2017.

In 2018, the Conference even established a subsidiary body coordinated by the Ambassador of Germany, our dear colleague Ambassador Beerwerth's predecessor. So, after so much debate, where do we stand? Has everything already been said about negative security assurances? The most important achievement has been that in April 1995, as mentioned by our panellists, the five nuclear-weapon States designated as such under the Non-Proliferation Treaty (NPT) – the so-called P5 States – made pledges on negative security assurances to non-nuclear weapon States parties to the Treaty. These pledges were reconfirmed in Security Council resolution 984 (1995) and, as I said, in a decision, decision 2, adopted at the 1995 NPT Review and Extension Conference.

Decision 2 also suggests that this could take the form of an internationally legally binding instrument, but this step was unfortunately never taken. Moreover, there are also those nuclear-weapon States that are not even parties to the Treaty. Despite these shortcomings, we have to recognize that negative security assurances have made an important contribution to the non-proliferation regime and constitute a major step towards reducing the size of nuclear arsenals. But there is no control mechanism other than the fact that any violation would be unlawful. Therefore, we, the States that have renounced the development of nuclear weapons demand – I repeat, demand – reliable security assurances, rather than revisable doctrines or declarations. Nuclear-weapon States must prove that they are credible and committed; it is not enough to reaffirm existing inadequate assurances or declarations. We call for a legally binding international instrument that protects us from the nuclear threat.

We will soon hold the tenth Review Conference; I invite all nuclear-weapon States to consider this the right time to take a step forward and rise to this task.

Mr. President, when talking about negative security assurances, as my dear colleagues have done, we must make special reference to the establishment of nuclear-weapon-free zones, which my country firmly supports. We are pleased that there are five formally established nuclear-weapon-free regions, in addition to individual States that have declared their nuclear-weapon-free status across the entire southern hemisphere of our planet. Currently, 116 States enjoy such special protection, yet we must still deplore the consistent thwarting of efforts to establish a zone free of nuclear weapons and weapons of mass destruction in the Middle East.

Spain believes that the establishment of internationally recognized nuclear-weapon-free zones enhances global and regional peace and security. It also strengthens the nuclear non-proliferation regime and contributes to nuclear disarmament. Spain, through the Stockholm Initiative for Nuclear Disarmament, whose 22 principles, or stepping stones, we invite all States to support, will work tirelessly to ensure that the next NPT Review Conference yields substantial progress in these areas.

We will not regret it, because it will help us build a safer world. Thank you very much, Mr. President.

The President (*spoke in Spanish*): Thank you very much, Ambassador.

(*spoke in English*)

Mr. Ali, you have the floor on behalf of the Syrian Arab Republic.

Mr. Ali (Syrian Arab Republic) (*spoke in Arabic*): Mr. President, I should first like to welcome the distinguished Ambassador of Iraq and wish him success in the performance of his duties in Geneva.

Mr. President, thank you for organizing the thematic debate on item 4 on the agenda of the Conference on Disarmament, entitled "Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons". I endorse the statement made by the delegate of Kenya on behalf of the Group of 21. The Syrian Arab Republic wishes to contribute to the debate on the item by underscoring the following points.

The Syrian Arab Republic reiterates its view that the absolute and sole guarantee against the use or threat of use of nuclear weapons is the total elimination of such weapons. Moreover, the indefinite extension in 1995 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) does not in any way imply that the nuclear-weapon States can maintain their nuclear arsenals in perpetuity, since such a situation is incompatible with the safety and sustainability of a system that is designed to achieve the non-proliferation of nuclear weapons in vertical and horizontal terms. My country reaffirms the urgent need, pending the complete elimination of nuclear weapons, to reach an early agreement on a universal, unconditional, irrevocable and legally binding instrument that accords top priority to the provision of non-nuclear-weapon States with effective safeguards, in all circumstances, against the use or threat of use of nuclear weapons, in accordance with General Assembly resolution 75/34. The instrument should be clear, reliable, unambiguous and non-discriminatory, and should provide for unconditional negative security assurances.

Mr. President, my country believes that, pending the complete elimination of nuclear weapons, the establishment of nuclear-weapon-free zones is a positive step towards the achievement of global nuclear disarmament and non-proliferation. It is therefore essential to expedite the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with the resolution on the Middle East adopted in 1995 by the NPT Review and Extension Conference in the context of the indefinite extension of the Treaty.

The ongoing failure to implement the 1995 resolution undermines the credibility of the Treaty and upsets the delicate balance between its three pillars. My country reminds States parties in this context that the indefinite extension of the Treaty is closely linked to the implementation of the 1995 resolution on the Middle East.

My country also reiterates its demand that Israel be compelled to accede as a non-nuclear party to the Treaty and to place its nuclear facilities under the comprehensive safeguards system of the International Atomic Energy Agency, in accordance with relevant international resolutions, in particular Security Council resolution 487 (1981), General Assembly resolution 75/33, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East", General Assembly resolution 75/84, entitled "The risk of nuclear proliferation in the Middle East", resolutions adopted by the General Conference of the International Atomic Energy Agency, as well as resolutions adopted by the NPT review conferences and the final documents issued by the conferences in 1995, 2000 and 2010.

In conclusion, Mr. President, the Syrian Arab Republic encourages the Conference on Disarmament, as the only multilateral negotiating forum on disarmament issues, to commence negotiations on an international legally binding, unconditional and irrevocable instrument in order to provide non-nuclear-weapon States with assurances against the use or threat of use of nuclear weapons, in accordance with the recommendation contained in General Assembly resolution 75/34.

The President (*spoke in French*): I thank Mr. Ali. The next speaker on my list is the Permanent Representative of France, Ambassador Hwang.

Mr. Hwang (France) (*spoke in French*): Thank you, Mr. President, for giving me the floor. By way of introduction, I would just like to say a few words of thanks to our dear colleague, Yuriy Klymenko, the Ambassador of Ukraine, who made what, I must say, was a very moving statement. Before he leaves Geneva, I would like to take this opportunity to wish him all the best in his future career. He was an excellent President of the Conference on Disarmament two years ago, and I would like to thank him once again.

My country understands the yearning of non-nuclear-weapon States parties to the Non-Proliferation Treaty (NPT) for assurances against the use or threat of use of nuclear weapons. It is a legitimate wish. In this connection, my country, as a nuclear-weapon State, stands by its commitments and responsibilities. It has given firm undertakings with regard to security assurances, both unilaterally and within a regional framework. Our deterrence policy is the first of these assurances, as it is strictly defensive. The use of nuclear weapons would be conceivable only in extreme circumstances of self-defence, a right recognized by the United Nations Charter.

Moreover, my country's commitments to both negative and positive security assurances were embodied in a statement to the Conference on Disarmament in April 1995. The Security Council took note of it in resolutions 984 (1995) and 2310 (2016). I stress that these commitments are therefore legally binding. The negative security assurances given by France have been reaffirmed at the highest level. The President of the French Republic has undertaken not to use or threaten the use of nuclear weapons against any non-nuclear-weapon State party to the Non-Proliferation Treaty that honours its international non-proliferation obligations. My country considers that the granting of negative security assurances in a regional framework is one of the main routes to disarmament and nuclear non-proliferation. We have also given negative security assurances to some 100 States in the protocols to treaties establishing nuclear-weapon-free zones in several regions of the world. These treaties, which have been referred to by earlier speakers, are the Treaty of Tlatelolco, the Treaty of Rarotonga, the Treaty of Pelindaba and the Treaty of Semipalatinsk. France has also signed a joint declaration with Mongolia on its nuclear-weapon-free status.

My country stands ready to broaden this system, in accordance with the principles adopted by consensus at the Disarmament Commission in 1999, but it wishes to see progress with the signature of the protocol to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty). As you know, this project is on the agenda of the process being followed by the nuclear-weapon States (P5 States) designated as such under the non-proliferation Treaty, the presidency of which is currently held by France. France is ready to hold deeper consultations not only with the other P5 States but also and above all with the members of the Association of Southeast Asian Nations, whenever necessary, in order to identify and remove any remaining obstacles.

The signature of the protocol to the Bangkok Treaty, by granting negative security assurances to the members of the Association of Southeast Asian Nations, would bring the South-East Asia nuclear-weapon-free zone into full operation. In the run-up to the NPT Review Conference, it would permit progress towards the implementation of the 2010 action plan, which underscores the contribution of nuclear-weapon-free zones to strengthening the non-proliferation regime and to achieving the objectives of nuclear disarmament.

As you know, from the outset, my country has supported the creation of a zone free of weapons of mass destruction and their delivery systems in the Middle East, in accordance with the resolution on the Middle East adopted in 1995 and on the basis of commitments freely entered into by all the actors in the region. It is an important objective that requires, *inter alia*, a lasting solution to the proliferation crises and the accession of all States in the region to the relevant conventions.

In conclusion, I would like to say a word in response to the presentation of Mr. Finaud, one of our speakers this morning. He repeatedly mentioned the policy of "no first use" of nuclear weapons. I would just like to point out to Mr. Finaud that this policy is not compatible with all nuclear policies and this is not by chance. It is a policy choice of many nuclear-weapon States not to adopt that policy. And it is a carefully weighed choice because, as you know, policies change continually; they are adjusted to the strategic and territorial context of the countries in question.

In the case of my country, our nuclear weapons form part of a deterrence concept aimed at protecting our vital interests against any aggression by a State that might threaten them. "No first use" is not compatible with all the thinking behind deterrence or all the notions of security in general. Furthermore, such a policy can work only if, I emphasize, it is credible and, I also emphasize, is perceived as such. We consider that this is not the case. Nuclear policy is not a slogan, it is not a marketing slogan; it is a theory, it is a confidence-building measure, it is accompanied by transparency measures, it is not something that is formulated to please, it is something that is formulated precisely in order to avoid any use of nuclear weapons and to reinforce nuclear deterrence.

What is more, we think that the so-called knock-on effect of adopting a "no first use" policy is highly questionable. We think that it would have no impact on nuclear disarmament and might have counterproductive repercussions on strategic stability. It is clear that we must beware of a simplistic interpretation of such a policy, which is not necessarily a cure-all. Thank you, Mr. President.

The President (*spoke in French*): I thank Mr. Hwang, the Ambassador of France.

(*spoke in English*)

I now give the floor to Ambassador Liddle of the United Kingdom.

Mr. Liddle (United Kingdom): Thank you for organizing today's thematic session on agenda item 4, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. My thanks also to our two panellists for their presentations – it is a particular pleasure to see our former colleague, Mr. Jadoon, again. Let me also add my welcome to our new colleague, the distinguished Ambassador of Iraq. I would also like to take the opportunity to wish Godspeed and good luck to my friend and next-door neighbour in the Council Chamber, Ambassador Klymenko of Ukraine.

The United Kingdom's negative security assurance is set out in *Global Britain in a competitive age: The Integrated Review of Security, Defence, Development and Foreign Policy*, published earlier this year.

The United Kingdom will not use or threaten to use nuclear weapons against any non-nuclear-weapon State party to the Non-Proliferation Treaty. This assurance does not apply to any State in material breach of those non-proliferation obligations. We regard a material breach as referring to a State developing or attempting to develop or acquire nuclear weapons, not safeguards or procedural issues.

We reserve the right to review this assurance if the future threat of weapons of mass destruction, such as chemical and biological capabilities, or of emerging technologies that could have a comparable impact, makes it necessary.

Mr. President, let me be clear about this: while we took the opportunity of the Integrated Review to review our negative security assurance, it has not in fact changed since its last iteration. What is different about the Integrated Review is what it says – in keeping with our commitment to transparency – about possible scenarios that might cause the United Kingdom to review this assurance in the future. We are not considering any specific technologies when making this statement, but it would be irresponsible not to consider possible future threats, including the potential for technologies to develop that could have a comparable impact to weapons of mass destruction.

In addition to its unilateral negative security assurance, Mr. President, the United Kingdom has also given treaty-based negative security assurances to almost 100 countries in Latin America, Africa, the South Pacific and Central Asia, through protocols to four nuclear-weapon-free zone treaties. We also support the parallel political declarations adopted by the nuclear-weapon States and Mongolia concerning that country's nuclear weapon-free status. We remain ready to sign and ratify the protocol to the Treaty of Bangkok establishing a nuclear-weapon-free zone in South-East Asia and will continue to work with the other nuclear-weapon States to engage with the States parties to the Treaty in order to allow signature and ratification of the protocol to that Treaty in the near future.

We remain fully committed to the 1995 resolution on the Middle East and to the establishment of a zone in the Middle East free of nuclear and all other weapons of mass destruction and their means of delivery. It is our long-held view, consistent with the principles and guidelines for the establishment of nuclear-weapon-free zones adopted by the Disarmament Commission in 1999, that all processes related to such a zone should be based on consensus and on arrangements freely arrived at by all States in the region.

We fully recognize our responsibilities as a co-sponsor of the 1995 resolution. We remain prepared actively to support and facilitate renewed regional dialogue aimed at bridging the differing views in the region on arrangements for a conference, as set out in the 2010 Non-Proliferation Treaty Review Conference action plan.

The United Kingdom attended the Conference convened by the United Nations in 2019, demonstrating our commitment to the establishment of the zone, while also voicing our reservations about the credibility of a process that does not have the support of all States of the region.

To conclude, Mr. President, let me reiterate that the United Kingdom stands ready to continue to engage in discussions on negative security assurances in this Conference.

The President: I thank Ambassador Liddle of the United Kingdom. I now give the floor to Ambassador Hashmi of Pakistan.

Mr. Hashmi (Pakistan): Thank you for convening this important thematic discussion. We also thank the panellists for their valuable presentations and align ourselves with the statement made by Kenya on behalf of the Group of 21.

Mr. President, the item under discussion today – negative security assurances – as the panellists have also pointed out, has been on the international agenda for over 55 years. Yet progress towards negotiating and concluding a legal instrument in this body remains as elusive as ever.

The salience of negative security assurances was recognized in the foundational document of the contemporary multilateral disarmament architecture, the 1978 Final Document of the first special session of the General Assembly devoted to disarmament. It is also evident from the 42-year-long history and treatment of this item by the Conference on Disarmament as an integral part of its agenda. After nuclear disarmament, this is the oldest and perhaps the most overripe issue in the disarmament landscape. However, this body has been and continues to be prevented from negotiating a legal instrument on negative security assurances.

Mr. President, Pakistan has a long history of support for negative security assurances from the late 1960s onward. Back then, as a non-nuclear-weapon State, Pakistan sought legally binding assurances to safeguard its security from the use or threat of use of nuclear weapons.

These efforts assumed greater urgency after nuclear weapons were inducted in our region in 1974. In 1979, Pakistan tabled a draft text at the Conference entitled “Conclusion of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, contained in document CD/10.

Failure by the international community to provide legal assurances was among the reasons that obliged Pakistan to develop its deterrent and defensive capability in the face of external threats.

This notwithstanding, Pakistan did not abandon the cause of negative security assurances and has continued to support a legal instrument in this connection. In our view, the option of using nuclear weapons against non-nuclear-weapon States is not only strategically untenable but also ethically unacceptable.

As a responsible nuclear State, Pakistan has unilaterally pledged not to use or threaten to use nuclear weapons against any State not possessing nuclear weapons. We are ready to transform this pledge into a multilateral legally binding international commitment.

Since 1990, Pakistan has introduced a resolution every year on negative security assurances at the General Assembly. The most recent version, resolution 75/34, was adopted last year without a single vote against, and recommends that the Conference “actively continue intensive negotiations with the view to reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons taking into account the widespread support for the conclusion of an international convention”.

Pakistan has also been actively participating in the substantive discussions on negative security assurances held in the Conference over the years, including in subsidiary body 4 in 2018. While we regret that the report of subsidiary body 4 could not be adopted due to the lack of consensus, we acknowledge the value added by those discussions on this salient issue.

Mr. President, let me reiterate that the only guarantee against the use or threat of use of nuclear weapons in prevention of nuclear war is the complete elimination of such weapons. Pending the achievement of this goal, the long-standing and genuine aspiration of non-nuclear-weapon States to receive negative security guarantees must be fulfilled.

Failure to make progress on this count will further erode the so-called grand bargain of the non-proliferation regime. Yet the responses of some of the nuclear-weapon States to this long-standing demand, as contained in Security Council resolutions 255 (1968) and 984 (1995), are insufficient, partial and even confounding.

Many of these unilateral declarations contain qualifiers and caveats, the interpretation of which lies with the States making those declarations. They do not obviate the need for a credible, multilateral legally binding instrument on negative security assurances and, in fact, they raise questions about the real intent of these nuclear-weapon States in terms of their legal nuclear disarmament obligations, which remain unanswered. For example, these declarations provide that the Security Council and, above all, its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations in the event that a non-nuclear-weapon State is the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

Is it not legitimate to query how the Security Council can act immediately if the perpetrator of such an act is a veto-wielding member that can block any joint action by the Council? Besides, what good would the Security Council's post hoc action be when the country attacked by nuclear weapons has already been devastated? If some permanent members of the Security Council do not have any intention of using nuclear weapons against non-nuclear-weapon States, what is preventing them from formalizing the assurances in an international legally binding instrument? Moreover, the principle of the non-use or threat of force, as enshrined in the Charter of the United Nations, extends to the use of nuclear weapons, without prejudice to Article 51 on the right to self-defence.

Concluding a legally binding agreement on negative security assurances is therefore, in our view, an obligation and not an option. Since negative security assurances do not involve any elimination or reduction of, or freeze on, nuclear weapons, this would not undermine the security of any nuclear-weapon State.

Mr. President, as long as the goal of nuclear disarmament eludes us, negative security assurances can bridge the security gap between nuclear and non-nuclear-weapon States. In our view, a legally binding instrument on negative security assurances is a low-hanging fruit that does not impinge on the security interests of any State possessing nuclear weapons. Concluding and implementing negative security assurances would also imply no financial burden and would therefore constitute a cost-free exercise with immense benefits for global peace and security. Once concluded, negative security assurances could also obviate the concerns of non-nuclear-weapon States on account of new doctrines and technologies related to the use of nuclear weapons. Negative security assurances can also make a significant contribution to strengthening the international non-proliferation regime.

Conversely, their absence has the opposite effect. Negative security assurances would constitute a major confidence-building measure between the nuclear and non-nuclear-weapon States, and would thus lead to a genuinely conducive international environment for facilitating negotiations on other matters related to nuclear disarmament and non-proliferation.

Mr. President, my delegation once again calls upon States that continue to block the commencement of negotiations on negative security assurances in the Conference to explain the reasons for their opposition, including any security interests of theirs that might be at stake.

The members of the Conference also deserve an explanation on why any concerns on the part of those opposing a legal instrument on negative security assurances cannot be addressed during negotiations in the Conference.

As we have pointed out in other thematic discussions in the Conference this year, there can be no other explanation for the continued blocking of negotiations in the Conference on nuclear disarmament, prevention of an arms race in outer space and negative security assurances except the fact that these States seek to perpetuate perceived strategic advantages and maintain their full-spectrum dominance but fail to acknowledge their responsibility in perpetuating the deadlock in the Conference.

The President: I thank Ambassador Hashmi for his statement.

Distinguished colleagues, it is almost 12 noon. As I still have several speakers on my list, I propose that we adjourn our meeting and complete the list of speakers during the plenary meeting this afternoon.

The meeting is adjourned.

The meeting rose at noon.