

Conference on Disarmament

English

Final record of the one thousand five hundred and eightieth plenary meeting

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President: Mr. Salomon Eheth(Cameroon)

The President: I call to order the 1580th plenary meeting of the Conference on Disarmament, which will focus on 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.

Distinguished colleagues, as the first speaker remaining on my list for today's thematic discussion is Germany, I now give the floor to Ambassador Beerwerth.

Mr. Beerwerth (Germany): Mr. President, at the outset, let me welcome my distinguished colleague, the newly arrived Ambassador of Iraq, wish him well here in Geneva and in the Conference on Disarmament and pledge the full cooperation of my delegation to him and his delegation.

Likewise, I would like to extend heartfelt farewell greetings to my dear colleague from Ukraine, who is departing in the near future and, as he said this morning, speaking to us in the Conference for the last time during his tenure. I wish him well in the future.

Mr. President, reviving security assurances serves as the concrete objective to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons and to further promote international peace and security. Therefore, the discussion today is not only timely, but also highly pertinent. It is with good reason that this topic has been an undisputed long-standing item on the Conference's core agenda. Discussions in the Conference have evolved over time to the degree that some members have even referred to negative security assurances as low-hanging fruit for negotiations.

In 2017 and 2018, Germany chaired respective working groups or subsidiary bodies in which the discussions converged on a number of commonalities. Despite the Conference's inability to adopt final consensus reports, the commonalities themselves were undisputed. Given that commonalities have unfortunately become a rather rare occurrence in our daily work, I shall take the liberty of reiterating them.

First, delegations acknowledged the positive effect of negative security assurances on the policies of non-nuclear-weapon States not to aspire, develop, acquire or possess nuclear weapons and thus on the non-proliferation regime and disarmament in general.

Second, negative security assurances were seen as possible, practical steps, contributing to overall and general global non-proliferation and disarmament efforts, not constituting an end in itself, but rather a pragmatic step towards the final goal of a world without nuclear weapons.

Third, States noted that negative security assurances could act to reinforce and strengthen other disarmament instruments and measures.

Fourth, nuclear-weapon-free zones were seen as measures that could be more effective if respective protocols with applicable provisions were signed by all relevant States.

And fifth, States considered the Conference to be the most appropriate forum in which to discuss negative security assurances and their context.

Taken as a whole, Mr. President, or even singled out, these commonalities could serve as a good basis for specific discussions or even negotiations in the context of an agreed programme of work in the Conference. In our eyes, the rationale for moving forward with negative security assurances is simple: negative security assurances serve as an important, intermediary step on the way towards a world free of nuclear weapons and therefore constitute a concrete element of a step-by-step approach to nuclear disarmament.

Furthermore, if such assurances are granted and implemented in good faith, there is per se also an element of risk reduction in the overall strategic environment and a practical contribution to increasing confidence and trust in international relations.

We are therefore not alone in calling upon all nuclear-weapon States to review their declaratory policies regarding the potential employment of nuclear weapons, most notably, security assurances to non-nuclear-weapon States. They have played an important role in assuring the ratification and accession of Non-Proliferation Treaty members to the Treaty and were key in facilitating the indefinite extension of the Treaty in 1995.

In our eyes, whether as politically binding commitments in the context of declaratory policy or as binding international law in the context of the protocols on existing nuclear-weapon-free zones, security assurances are also an element of fairness in international politics, as non-nuclear-weapon States have voluntarily forgone a military nuclear option for the sake of international peace and security.

However, since Non-Proliferation Treaty member States committed to taking concrete steps to strengthen and broaden existing security assurances, as enshrined in actions 7 to 9 of the 2010 Review Conference action plan, various developments have called the status and reliability of the existing negative security assurances into question. In the current tense state of play of the international security environment, we have seen instances of explicit and implicit threats which raise the question of the role of existing security assurances. A particular case in point is adherence to the Budapest Memorandum.

Therefore, participants in the Stockholm Initiative on Nuclear Disarmament earmarked negative security assurances as part of their Stepping Stones for Advancing Nuclear Disarmament and called upon nuclear-weapon States, collectively or individually, to tighten negative security assurances, including in the context of treaties establishing nuclear-weapon-free zones.

The President: I thank Ambassador Beerwerth of Germany and now give the floor to Ms. Kuznetsova of the Russian Federation.

Ms. Kuznetsova (Russian Federation) (*spoke in Russian*): Mr. President, dear colleagues, in 1995, together with the other nuclear Powers, Russia co-sponsored Security Council resolution 984 (1995). In accordance with this resolution, positive security assurances were provided and national statements by nuclear-weapon States on negative security assurances were noted.

One option for non-nuclear-weapon States to obtain legally binding negative assurances is the establishment of so-called nuclear-weapon-free zones under article VII of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Such assurances are formalized through the relevant protocols to the treaties establishing nuclear-weapon-free zones. Russia has traditionally regarded the establishment of nuclear-weapon-free zones as an important means of reinforcing the nuclear non-proliferation regime.

It is widely known that Russia has signed and ratified the protocols to four treaties on nuclear-weapon-free-zones: the Treaties of Tlatelolco, Pelindaba, Rarotonga and Semipalatinsk. In all these cases, Russia entered the reservations that, in line with its military doctrine, it traditionally makes when providing negative security assurances to the members of nuclear-weapon-free zones. This is standard practice, a kind of insurance against unforeseen circumstances and any potential violations of treaty obligations.

We support Mongolia's efforts to strengthen its nuclear-weapon-free status. Under a bilateral treaty, Russia has undertaken to respect its status and provide appropriate assurances. We also joined the joint declaration of the nuclear-weapon States on recognition of Mongolia's nuclear-free status.

Overall, Russia has provided legally binding security assurances to some 120 States throughout the world. Their number will grow as the extent of nuclear-weapon-free zones expands. The next step is to finalize the international legal framework for the South-East Asia nuclear-weapon-free zone as soon as possible. We are ready to sign the protocol to the Bangkok Treaty in accordance with established practice, and to participate in the joint consultations of the five nuclear-weapon States with the States parties to the Bangkok Treaty on this matter.

One of the urgent issues in this area is the creation of a zone free of nuclear and other types of weapons of mass destruction and their means of delivery in the Middle East. Russia is committed to implementing the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. We assume that the topic of a zone free of nuclear and other types of weapons of mass destruction and means of delivery will remain on the agenda of the NPT review cycle until the goals and objectives of this resolution are achieved.

We consider the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, held in New York from 18 to 22 November 2019, to be a landmark event for both the stability and sustainability of the region and in the context of global efforts for the non-proliferation of weapons of mass destruction. We believe that a legally binding agreement on such a zone is in the interests of all countries in the region. That is why it is important to involve them in these conferences, of course, along with the co-sponsors of the 1995 resolution and the four other States designated as nuclear-weapon States under the Non-Proliferation Treaty.

We expect that the participants in the second session of the Conference on a zone free of weapons of mass destruction in November 2021 will be able not only to discuss existing problems but also to outline ways to solve them.

Mr. President, distinguished colleagues, the Conference on Disarmament, because of its uniqueness as a multilateral negotiating forum, has the mandate and every opportunity to work on the question of security assurances. If the programme of work is adopted, we are ready to engage in the development of a global agreement on assurances to non-nuclear-weapon States against the use or threat of the use of nuclear weapons, taking into account the provisions of Russia's military doctrine. All other provisions must and can be agreed upon in future negotiations.

The President: I thank Ms. Kuznetsova of the Russian Federation and I now give the floor to Ambassador Lim Sang-beom of the Republic of Korea.

Mr. Lim Sang-beom (Republic of Korea): Mr. President, I am grateful for your guidance on having thematic discussions for each of the core agenda items. I thank the two panellists for their informative presentations this morning.

The Republic of Korea looks forward to having a substantial discussion on the possible commonalities on negative security assurances. In this regard, we are pleased to share our national position on negative security assurances at the Conference on Disarmament today.

Negative security assurances, which are part of efforts to prevent the use of nuclear weapons and reduce the risks of their use, are a practical and intermediate step to diminish the security concerns of non-nuclear-weapon States on the path towards a nuclear-weapon-free world.

The Republic of Korea believes that enhancing negative security assurances would contribute to strengthening the relevance of the Treaty on the Non-Proliferation of Nuclear Weapons. Since the provision of negative security assurances to non-nuclear-weapon States would encourage non-nuclear-weapon States to not develop or possess nuclear weapons, such assurances would effectively prove the fundamental principle that security concerns are able to be addressed by non-proliferation, not by nuclear weapons. Furthermore, negative security assurances would lend credibility to the non-nuclear-weapon States of the Non-Proliferation Treaty regime, build confidence among States parties, and give incentives to those outside the Non-Proliferation Treaty to join the regime, thereby contributing to the universality of the Treaty.

In this regard, the Republic of Korea is not in support of the idea that negative security assurances should be unconditional and automatic. We are of the view that negative security assurances should apply to those Non-Proliferation Treaty States which are in full compliance with the Treaty and their other safeguards agreements.

Meanwhile, the Republic of Korea is supportive of nuclear-weapon-free zones arranged freely by States of the region concerned. We believe nuclear-weapon-free zones are a practical means to reducing regional insecurity and enhancing disarmament and non-proliferation. We also consider the support of the five nuclear-weapon States designated as such under the Treaty (P5) for nuclear-weapon-free zones is essential and hope their coordination in the process being pursued by the nuclear-weapon States, known as the P5 process, on this matter continues to move forward.

Lastly, the Republic of Korea, as a member of the Stockholm Initiative on Nuclear Disarmament, hopes that nuclear-weapon States and non-nuclear-weapon States can work

together to use the time remaining before the Non-Proliferation Treaty Review Conference to make gradual and tangible progress in the implementation of the Stepping Stones for Advancing Nuclear Disarmament, including on negative security assurances. We believe that progress on practical measures will have a positive impact on strengthening the Treaty, the cornerstone of the global nuclear disarmament and non-proliferation regime.

The President: I thank Ambassador Lim Sang-beom of the Republic of Korea. I now give the floor to Ambassador Sharma of India.

Mr. Sharma (India): Mr. President, let me start by welcoming Ambassador Hashim Mostafa of Iraq to our Conference on Disarmament family and assuring him of my delegation's support and cooperation as he starts his tenure here in Geneva. I also take this opportunity to bid farewell to our dear colleague, Ambassador Klymenko, with whom we have had the great pleasure to work in the Conference and other forums. This Conference will remember him fondly, not only as the Permanent Representative of Ukraine but also for his able presidency and tireless efforts to advance the agenda of the Conference and to build consensus on a programme of work. I wish him every success in his future endeavours.

I would like to thank Mr. Jadoon and Mr. Finaud, the panellists, for their excellent presentations this morning.

India aligns itself with the Group of 21 statement delivered by the delegate of Kenya. Mr. President, the issue of negative security assurances has been on the agenda of the Conference since 1979. The Final Document of the first special session of the General Assembly devoted to disarmament called upon nuclear-weapon States to take steps to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. We believe that non-nuclear-weapon States have a legitimate right to be assured against the use or threat of use of nuclear weapons. However, such an assurance, in the absence of any concrete steps, has remained a mere aspiration for more than four decades now.

India has called for progressive steps for the delegitimization of nuclear weapons, which we believe is essential for achieving the goal of the complete elimination of nuclear weapons. Pending their elimination, measures to reduce nuclear dangers arising from accidental or unauthorized use of nuclear weapons and increasing restraint on the use of nuclear weapons are pertinent in this regard. India has therefore called for an agreed multilateral framework that would bring together all States possessing nuclear weapons to discuss measures relating to reducing the role of nuclear weapons in security doctrines and policies. As part of our doctrine of credible minimum nuclear deterrence, India has espoused a "no first use" policy against nuclear-weapon States and non-use against non-nuclear-weapon States. We are prepared to convert these undertakings into multilateral legal arrangements.

Mr. President, the use of nuclear weapons poses the most serious threat to the survival of humankind and the best assurance against their use or threat of use is their complete elimination. India has been consistent in its support for global, verifiable and non-discriminatory nuclear disarmament. Let me mention that, at the thematic debate on 18 and 20 May this year, we heard a country referring to new challenges to regional non-proliferation and regional risk of nuclear conflict and making a reference to South Asia in this context. It is ironic to hear expressions of concern from those who have themselves contributed to so much proliferation. Upgrading of arsenals and delivery systems by some States in Asia not only violates their disarmament and non-proliferation obligations, but adversely impacts the security environment of others.

Since 1982, the First Committee has voted in favour of a resolution sponsored by India calling on this Conference to negotiate a convention on the prohibition of the use of nuclear weapons. Similarly, India's annual resolution in the First Committee on reducing nuclear danger, tabled since 1998, is also supported by a large number of Member States.

In document CD/1816, India had suggested a number of specific measures, including a global no first use agreement, as well as negotiation of a universal and legally binding agreement on non-use of nuclear weapons against non-nuclear-weapon States.

India supported General Assembly resolution 75/34, in which the General Assembly recommended that the Conference actively continue intensive negotiations on the issue of

negative security assurances. As part of the Group of 21 and the Movement of Non-Aligned Countries, India has supported the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States as a matter of priority. We remain committed to working with other Conference members towards the objective of the establishment of a subsidiary body to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The President: I thank Ambassador Sharma of India.

(spoke in French)

The next speaker on my list is Mr. Soualem.

Mr. Soualem (Algeria) *(spoke in French)*: Thank you for organizing this debate on the important issue of negative security assurances. We hope that our discussions will bring us closer to the much-desired goal of initiating negotiations on this issue within the Conference on Disarmament. I would like to express our appreciation for the excellent presentations made this morning by the two speakers. I would also like to extend a warm welcome to the Ambassador of Iraq and to bid farewell to our colleague from Ukraine.

The Algerian delegation fully supports the Group of 21's statement on negative security assurances and wishes to highlight some aspects of our position on this issue.

Before moving on to the subject of our discussion, I would like to restate my country's position on nuclear disarmament, which is becoming the top priority at the international level, and reiterate that the most effective guarantee against the use of nuclear weapons is their total, transparent and irrevocable elimination.

It is important to note that article VI of the Treaty on the Non-Proliferation of Nuclear Weapons commits the nuclear-weapon States to pursuing "negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control".

My delegation regrets to note that no significant progress has been made towards fulfilling the legal obligations requiring the nuclear-weapon States to totally eliminate their nuclear arsenals, despite the unequivocal commitments that those States have made, including the 13 practical steps adopted at the 2000 Review Conference, which my country had the honour of chairing, and the concrete measures set out in the action plan on nuclear disarmament agreed at the 2010 Review Conference.

We also regret the failure to take the first of the 13 practical steps, which contains a call for all States that have not yet done so, in particular the annex 2 States, to ratify the Comprehensive Nuclear-Test-Ban Treaty in order to achieve its early entry into force as an essential element in the non-proliferation regime.

Pending the realization of the goal of totally eliminating all nuclear weapons, particular attention should be paid to the issue of negative security assurances, which are an essential component of the security needs of non-nuclear-weapon States. Discussions on negative security assurances have been taking place for a long time. In fact, the issue was at the heart of the discussions on the Non-Proliferation Treaty at the time of the Treaty's conclusion in the 1960s.

Negative security assurances have also been the subject of various commitments made in connection with the NPT review process. Under paragraph 8 of decision 2 on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference, the States parties to the Treaty agreed to take further steps to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. The steps taken in line with this commitment could take the form of an internationally legally binding instrument. This issue has also been on the agenda of the Conference on Disarmament ever since it was established.

In the Final Document of the first special session of the General Assembly devoted to disarmament, held in 1978, the General Assembly called on 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. Furthermore, General Assembly resolution 75/34 of 7 December 2020, like earlier resolutions adopted since 1990, reaffirms the need to conclude early and effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The resolution also calls on the Conference to 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.

However, none of the efforts made within the framework of the Non-Proliferation Treaty and the Conference on Disarmament have produced results commensurate with the expectations of non-nuclear-weapon States.

Algeria believes that non-nuclear-weapon States have a legitimate right to credible and effective negative security assurances against the use or threat of use of such weapons that would make the principle of undiminished security for all a reality. Like many countries, Algeria continues to advocate the conclusion of a universal legally binding instrument on negative security assurances with a view to enhancing the security of non-nuclear-weapon States and further strengthening the non-proliferation regime. The current international security environment, the existence of troubling deterrence policies and the continuing development of nuclear arsenals further strengthen our belief in the need to conclude such an instrument. The Conference on Disarmament, by virtue of its mandate, is clearly the appropriate forum to address this issue in the framework of a comprehensive and balanced programme of work.

The current safeguards regime has more to do with nuclear deterrence than with the security needs of non-nuclear-weapon States. The regime tends to promote the development of nuclear weapons rather than reduce their number. Unilateral measures are not legally binding commitments and are subject to conditions. Furthermore, the protocols to the treaties establishing nuclear-weapon-free zones provide for legal measures in this regard. These arrangements, important as they are, fall short of the real security needs of non-nuclear-weapon States.

To conclude, I would like to point out that the assurances provided for within the framework of nuclear-weapon-free zones are not unconditional. These assurances do not cover all the regions of the world, particularly regions where tensions are running high. The Middle East is a perfect example of such a region. Algeria, which is part of the nuclear-weapon-free zone established in Africa by the Treaty of Pelindaba, reiterates its commitment to the effective implementation of the 1995 resolution calling for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

Thank you for your attention.

The President (*spoke in French*): I thank Ambassador Soualem.

(*spoke in English*)

I now give the floor to Mr. De Barros Carvalho e Mello Mourão, Ambassador of Brazil.

Mr. De Barros Carvalho e Mello Mourão (Brazil): Mr. President, I would like to reassure you of the full support of my delegation to your presidency and to convey a warm welcome to our new colleague from Iraq.

I would also like to thank you, Mr. President, for convening us today to discuss the important issue of 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 their contributions to our discussions on this subject, especially the reference to the sound principle of no first use of nuclear weapons.

This dialogue gives us the opportunity to reaffirm and maybe even to act upon critical commitments that are still pending. Brazil understands that making progress on unrestricted negative security assurances is a key issue on the agenda of the Conference on Disarmament.

We must try our best to make the most of the current thematic discussions, as unfortunately we have as yet been unable to take any specific steps towards effective negotiation.

Mr. President, Brazil is a fully committed member of the nuclear-weapon-free zone under the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and, as such, advocates for stronger and unrestricted negative security assurances being provided by nuclear-weapon States in respect of our region.

Negative security assurances extended to States parties to nuclear-weapon-free zone treaties are an essential feature of those treaties, which have made a paramount contribution to the international architecture for peace and security, and indeed, undoubtedly, to universal nuclear disarmament and non-proliferation.

More than fifty years ago, the Treaty of Tlatelolco created the first nuclear-weapon-free zone in a densely populated area. It was also the first to introduce such clauses, which have been replicated in other similar treaties since then. In our view, credible negative security assurances constitute a minimum standard of reciprocity towards those countries, like my own and all Latin American countries, that consciously decided not to pursue nuclear weapons and bound themselves legally to that effect.

Unfortunately, however, and despite Tlatelolco's vitality, the interpretative declarations made by some nuclear-weapon States when adhering to its Additional Protocol II were worded in such a way that they can be read as *de facto* reservations, poorly aligned with the tenets and objectives of the Treaty, if not in full contradiction to them. They are not declarations that the countries of Latin America feel would match the full scope of negative security assurances or that would fairly reciprocate the standard set by the Tlatelolco undertaking of a nuclear-weapon-free coexistence on that side of the world.

The situation, Mr. President, is similar with regard to other nuclear-weapon-free zones.

One measure that would strengthen current negative security assurances and contribute to the overall goals of nuclear disarmament and non-proliferation – and which could be taken immediately – is the withdrawal or modification of such declarations, in consultation with the States and organizations concerned.

Indeed, the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean has already proposed a dialogue on this issue to States parties to Additional Protocol II, but this proposal is, alas, still on the table. We therefore call on all those States to respond favourably to that invitation and engage in good faith on this matter.

Mr. President, we would take this same approach regarding a multilateral treaty on negative security assurances. Such a treaty must include unequivocal and unconditional assurances to non-nuclear-weapon States that they will not be subjected to the use or threat of use of nuclear weapons under any circumstances whatsoever.

For us, it is inconceivable that so many years have passed since the original provisions were included in the Non-Proliferation Treaty regime, and yet no real progress has been made on this matter, as was rightly pointed out today by the Ambassador of Spain. A negative security assurance treaty would be remarkably straightforward to negotiate and conclude, Mr. President, without the technical complexities associated with other proposed instruments on nuclear weapons restrictions.

I am sorry to have to say that this state of continuous inaction creates further doubts as to the real commitment of nuclear-weapon States to an agenda for strengthening and broadening negative security assurances as a firm step towards nuclear disarmament. Thankfully, perhaps, the paralysis of the disarmament agenda has recently been challenged, and positively so, by the entry into force of the Treaty on the Prohibition of Nuclear Weapons.

That Treaty filled an important legal gap in international law concerning weapons of mass destruction and, as a consequence, changed the state of play in which a treaty on negative security assurances would be negotiated. Indeed, a negotiation on negative security assurances would have to be understood against the backdrop of the general prohibition on possession, on the use and on the threat of use of nuclear weapons established by the Treaty

on the Prohibition of Nuclear Weapons, as well as the backdrop of nuclear disarmament, as understood in the Non-Proliferation Treaty.

So, Mr. President, fellow delegates, a multilateral treaty on negative security assurances cannot be a means of circumventing prohibition or of legitimizing the possession, use or threat of use of nuclear weapons. Neither can it be another pretext for going back on nuclear disarmament obligations, including those established under article VI of the Non-Proliferation Treaty, which bind us all to the same goal of a world free of nuclear weapons.

Such a treaty should not be a string of waivers for States with nuclear weapons – and here I am referring both to those that are parties to the Non-Proliferation Treaty and to those that are not parties to that Treaty – nor should such a treaty be a patchwork of interpretative declarations by those States, establishing, once more, unacceptable conditions concerning their negative security assurances.

Lastly, Mr. President, the urgent need for such a treaty on negative security assurances should equally not make us forget the fact that the ongoing possession, use and threat of use of nuclear weapons constitute clear and regrettable violations of international law, particularly international humanitarian law, and that is a shame for all of humanity.

The President: I thank Ambassador De Barros Carvalho e Mello Mourão of Brazil and now give the floor to Mr. Azadi of the Islamic Republic of Iran.

Mr. Azadi (Islamic Republic of Iran): Mr. President, we appreciate your convening of this thematic debate on agenda item 4 and the panellists' contributions to it.

On behalf of my delegation, I warmly welcome His Excellency Hashim Mostafa, Ambassador and Permanent Representative of Iraq, and wish him the best of luck.

My delegation associates itself with the Group of 21 statement on negative security assurances delivered by the delegate of Kenya and would like to share the following observations on agenda item 4, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Mr. President, any use or threat of use of nuclear weapons would be contrary to the Charter of the United Nations, the general principles of international law and the rules and regulations of international humanitarian law, and would constitute a crime against humanity.

The only absolute guarantee against the use or threat of use of nuclear weapons is their total, irreversible, transparent and verifiable elimination. Pending the realization of that goal, as an interim measure, there should be assurances against the use or threat of use of these illegal, inhuman and illegitimate weapons.

The International Court of Justice, in its advisory opinion of July 1996 on the legality of the threat or use of nuclear weapons, concluded that: "There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons ... 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".

Mr. President, a negative security assurance was the cornerstone of the package that led to the adoption of the Non-Proliferation Treaty and the history of negative security assurances preceded the Treaty when, in 1966, as negotiations were commencing on what would subsequently become the Non-Proliferation Treaty, the General Assembly adopted resolution 2153 (XXI) A, in which it requested urgent consideration of 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".

Mr. President, since nuclear weapons were used by the United States in 1945, there have been repeated calls by the overwhelming majority of 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 were also made in the Final Document of the first special session of the General Assembly devoted to disarmament and the Final Documents of Non-Proliferation Treaty Review Conferences. The Final Document of the first special session of the General Assembly devoted to disarmament clearly states that “the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons”. Some nuclear-weapon States, instead of honouring their obligations under international law, have systematically violated their obligations and commitments.

Certain nuclear-weapon States and a certain nuclear alliance have not ruled out the use of nuclear weapons against non-nuclear-weapon States. According to the 2018 Nuclear Posture Review of the United States, the possibility to use or threaten to use nuclear weapons against non-nuclear-weapon States that are party to the Non-Proliferation Treaty has been foreseen. Similarly, the 2021 Integrated Review policy of the United Kingdom keeps open the option of using or threatening to use nuclear weapons against non-nuclear-weapon States.

Today we have heard some nuclear-weapon States clearly state their position on positive security assurances under an agenda item which is commonly known as negative security assurances. It is totally unacceptable to misuse this august body against its mandate, which is nuclear disarmament.

The nuclear-weapon States have made some unilateral declarations regarding security assurances against the use and threat of use of nuclear weapons. These assurances are conditional and insufficient and above all, 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”, with no legal effect. They do not constitute credible assurances at all and are no substitute for a legally binding instrument on negative security assurances.

It is deplorable that, after more than four decades, we are yet to see the start of negotiations on negative security assurances in the Conference on Disarmament. At the same time, the developments that are taking place are not all conducive to the goal of negative security assurances and the resistance of some nuclear-weapon States in this regard is indicative of scenarios for the possible use of nuclear weapons. Those who are using positive security assurances and benefiting from the nuclear umbrella are indeed in violation of their nuclear disarmament obligations, supporting the nuclear-weapon States to ensure the reliability of their nuclear arsenals by modernizing them, or they are sufficiently silenced on the lack of progress in this regard. We believe that the only guarantee for all is the total elimination of nuclear weapons and pending that, the conclusion of a universal treaty on negative security assurances.

Some nuclear-weapon States argue that negative security assurances should be granted only in the context of nuclear-weapon-free zones. We reject such an untenable, misleading argument for the following reasons.

The respective protocols have not been signed or ratified by all nuclear-weapon States. Some protocols have been signed and ratified with reservations and interpretative declarations contrary to the objectives and purposes of such instruments. To date, none of the existing nuclear-weapon-free zones have received unconditional and irrevocable legally binding assurances. 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 delay or any conditions, as a non-nuclear-weapon party.

It is the legitimate right of all non-nuclear-weapon States parties to the Non-Proliferation Treaty, which have renounced the acquisition of nuclear weapons, to receive 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 are not an optional choice for nuclear-weapon States or a justification to retain their nuclear weapons, but rather a legal obligation. These assurances, by strengthening the security of non-nuclear-weapon States parties to the Non-Proliferation Treaty, would promote the objectives of nuclear disarmament and non-proliferation, as well as international peace and security, as reflected in the Final Document of the first special session of the General Assembly devoted to disarmament.

Mr. President, distinguished colleagues, what non-nuclear-weapon States demand is not nuclear policies or doctrines on the part of nuclear-weapon States, which – we believe – are in material breach of their obligations under article VI of the Non-Proliferation Treaty and are certainly not to be considered a step towards negative security assurances. Rather, they call for an international 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. Negative security assurances are a low-hanging fruit for negotiation in the Conference on Disarmament.

If the nuclear-weapon States really do not intend to use their inhuman nuclear arsenals, why can they not agree to start negotiations on negative security assurances, or regrettably, as we witnessed today, not even tolerate the idea of no first use? It is vital that negative security assurances be one of the top priority issues at the upcoming Non-Proliferation Treaty Review Conference.

Mr. President, we believe that the Conference on Disarmament should immediately begin substantive work on a legally binding instrument on this issue.

The President: I thank Mr. Azadi of the Islamic Republic of Iran. Distinguished colleagues, Israel has raised a point of order. Ms. Maayan, you have the floor.

Ms. Maayan (Israel): Mr. President, at the outset, allow me to congratulate you on assuming your duties as the president of the Conference on Disarmament. It is very unfortunate that I must make a point of order, once again.

Mr. President, we demand that the Islamic Republic of Iran, a country that violates international agreements, undermines the stability of the Middle East and is responsible for the proliferation of arms in our region, refer to us by our official name, the State of Israel.

The President: I thank Ms. Maayan of Israel. I think we have to respect the international regulations on the names of States. I have one right of reply raised by the United States of America. I give the floor to Ambassador Wood.

Mr. Wood (United States of America): Mr. President, my apologies for taking the floor, but I need to respond to some remarks made by the representative of Iran.

It is quite interesting to hear that Iran feels so passionately about the illegality and immorality of nuclear weapons. Given that passion, we expect that Iran will comply with its International Atomic Energy Agency obligations and with those under the Non-Proliferation Treaty, so as to assure the world that it is not pursuing the development of nuclear weapons.

The President: I thank Ambassador Wood of the United States of America. I have a point of order raised by the Islamic Republic of Iran. Mr. Azadi, you have the floor.

Mr. Azadi (Islamic Republic of Iran): Mr. President, I must react to the point of order by the Zionist regime representative. It is no secret that we do not recognize Israel as a legitimate State.

We do not recognize the Zionist regime and would recognize the State of Palestine only after a plebiscite is held, in accordance with the proposal and a letter that have been submitted to the United Nations General Assembly by Iran.

The President: I have one more point of order raised by Israel. Ms. Maayan, you have the floor.

Ms. Maayan (Israel): I apologize for taking the floor again. I think the disrespect of our Iranian colleague is only growing, so I will not react again, even if he insists on calling us names. I will remind him that we are the State of Israel, we are a Member of the United Nations and we have a right to be referred to with respect.

The President: I thank Ms. Maayan of Israel. Ambassador Beerwerth of Germany, you have the floor.

Mr. Beerwerth (Germany): Mr. President, I would like to make a point of order with regard to the repeated statement by my distinguished Iranian colleague who named the State of Israel, in my estimation, in a derogatory manner. This is not in keeping with international diplomatic practice and I was sorry to hear him elaborate on his first use of the term. Contrary

to what I have done in the past, I did not object because I believe it does not really lead anywhere to get into some kind of a tit for tat. I am very sorry, not to say appalled, to have had to listen to the second intervention by my Iranian colleague. This is not the kind of cooperation that I believe we should have in the Conference on Disarmament, irrespective of the political opinions we hold.

The President: I thank Ambassador Beerwerth of Germany and now give the floor to Ambassador Liddle of the United Kingdom.

Mr. Liddle (United Kingdom): Mr. President, I apologize for prolonging this discussion by taking the floor. While we are all used, I think, to some high-flown and heated rhetoric in this forum, I could not let the latest comment by the distinguished delegate of Iran pass without registering my dismay at the derogatory and insulting language used in this forum, which is not worthy of the Conference on Disarmament.

The President: I thank Ambassador Liddle of the United Kingdom. I have another point of order raised by the Islamic Republic of Iran.

Mr. Azadi (Islamic Republic of Iran): Mr. President, I really did not intend to react as a tit for tat, but history repeats itself, as the saying goes. I shall just remind our distinguished colleagues from Germany and the United Kingdom that we should call a spade a spade. It was on this very same date, 8 June, in 2018, during the 1459th plenary meeting of the Conference on Disarmament, that the distinguished representatives of Germany and United Kingdom called, not a Member, but the President, a regime. I do not know why they are so compelled to ascribe themselves the right to preach to others. I recommend that those two distinguished colleagues call a spade a spade.

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

Mr. Liddle (United Kingdom): Mr. President, the distinguished delegate of Iran knows perfectly well that: (a) that was my predecessor, it was not me; and (b) it was not the word "regime" I was objecting to.

The President: I now give the floor to Ambassador Beerwerth of Germany.

Mr. Beerwerth (Germany): Mr. President, I share the brief statement just made by my colleague from the United Kingdom, and I will refrain from going into any further detail on the matter my distinguished colleague from Iran just referred to, since it really leads nowhere. I would appeal to him again to go back to using the particular and decent terminology we use in this important body.

The President: I thank Ambassador Beerwerth of Germany and I now give the floor to the Islamic Republic of Iran.

Mr. Azadi (Islamic Republic of Iran): Mr. President, I apologize for taking the floor again, but I am compelled to do so. This is a new justification – we heard from our distinguished colleagues from the United Kingdom and Germany that it was their predecessors, not themselves, but that does not change the situation or any facts in this regard. That was the behaviour and the attitude and the approach of their Governments.

The President: I thank the Islamic Republic of Iran. I think we have to stop this debate. All members of the Conference on Disarmament and of the United Nations should be respected.

Distinguished colleagues, we have now reached the end of the lists of speakers. I would like to thank our panellists and colleagues who took the floor today in the thematic discussion on agenda item 4 of the Conference.

Our next plenary meeting will take place on Thursday, 15 June, and will be dedicated to a thematic discussion on agenda item 5, new types of weapons of mass destruction and new systems of such weapons; radiological weapons.

This meeting is adjourned.

The meeting rose at 4.10 p.m.