

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

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

Working paper submitted by the Islamic Republic of Iran

1. The precedent of using nuclear weapons reminds one of the most heinous historical event and the greatest genocide in the world. The nuclear bombings of Hiroshima and Nagasaki by the United States created a human catastrophe with unprecedented dimensions, and human security faced an enormous threat. As long as nuclear weapons exist, the risk of their use or threat of use persists. The only absolute guarantee against the use or threat of use of nuclear weapons is nuclear disarmament and the total elimination of nuclear weapons.
2. Any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law, and would constitute a crime against humanity. The International Court of Justice, in its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, decided that “there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons”, and “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law”.
3. As an interim measure pending the realization of the total elimination of nuclear weapons, there should be assurance against the use or threat of use of these illegal, inhumane and illegitimate weapons.
4. It is the legitimate right of all non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which have renounced the acquisition of nuclear weapons, to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances. Such assurances, by strengthening the security of non-nuclear-weapon States parties to the Treaty, would promote the objective of nuclear disarmament and non-proliferation.
5. Since nuclear weapons were used in 1945, there have been repeated calls, by the overwhelming majority of the non-nuclear-weapon States, in numerous resolutions of the General Assembly, for the realization of effective, universal, unconditional,



non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons. Such calls have also been made at all Review Conferences of the Parties to the Treaty.

6. The application of provocative and destabilizing policies and measures, such as the improvement of existing nuclear weapons, as well as the development of new types of such weapons, in particular tactical nuclear weapons – which increases the likelihood of the use of these inhumane weapons – continue to negatively impact the security of the non-nuclear-weapon States parties to the Treaty. Regrettably, no substantial achievement has yet been reached on granting effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances to such States.

7. The relevant unilateral statements by nuclear-weapon States regarding security assurances against the use and threat of use of nuclear weapons are limited, 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”.

8. Under the nuclear strategies, concepts and policies of certain nuclear-weapon States and a certain nuclear alliance, the use of nuclear weapons against non-nuclear-weapon States in specific circumstances is envisaged. For instance, according to the 2018 Nuclear Posture Review of the United States, the possibility to “use or threaten to use nuclear weapons against non-nuclear-weapons States that are party to the Non-Proliferation Treaty” has been foreseen.

9. The United States, by allocating billions of dollars to the modernization of its nuclear arsenal, constructing a new facility for the production of nuclear weapons, developing new types of easy-to-use nuclear weapons and naming non-nuclear-weapon States as targets of such inhumane weapons, puts the non-nuclear-weapon States, more than ever, under the real threat of the possible use of nuclear weapons.

10. All nuclear-weapon States should diminish the role of nuclear weapons in their security policies, abandon the nuclear deterrence policy and refrain from listing any country as a target of nuclear strikes.

11. Some nuclear-weapon States argue that negative security assurances should be granted only in the context of the nuclear-weapon-free zones. Iran and many other countries reject such an untenable argument because, firstly, the respective protocols of some treaties establishing such zones have not been signed or ratified by one or more nuclear-weapon States; secondly, the protocols additional to a certain such treaty have been signed and ratified by nuclear-weapon States, but with reservations and interpretative declarations contrary to the object and purpose of such instruments, and consequently, in practice, to date, none of the existing nuclear-weapon-free zones have received “unconditional and irrevocable legally binding assurances”; and thirdly, the prospects for the establishment of a nuclear-weapon-free zone in some regions such as the Middle East are quite unclear owing to the persistent refusal of the Israeli regime to accede to the Non-Proliferation Treaty without any further delay and condition as a non-nuclear-weapon party.

12. Taking into account the aforesaid facts and observations, in the view of the Islamic Republic of Iran, the full realization of the right of all non-nuclear-weapon States parties to the Treaty to receive such assurances is of crucial importance and needs to be addressed by the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as a matter of priority and through the establishment of a subsidiary body on security assurances.

13. To this end, the Preparatory Committee for the 2020 Review Conference, at its third session, should recommend:

(a) Establishing an ad hoc committee within the 2020 Review Conference to work on the illegality of the use and threat of use of nuclear weapons under all circumstances and the urgent need for the full realization of the right and the legitimate interest of all non-nuclear-weapon States parties to the Treaty to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances from all five nuclear-weapon States against the use or threat of use of nuclear weapons under all circumstances;

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

(c) Expressing concern over the immediate, indiscriminate and massive death and destruction caused by any use of nuclear weapons and its long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the lives of present and future generations;

(d) Affirming that any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law, and would constitute a crime against humanity, and that resorting to Article 51 of the Charter to do so is also not justified;

(e) Urging the nuclear-weapon States to diminish and eliminate the role and significance of nuclear weapons in all their military and security concepts, doctrines and policies;

(f) Reaffirming the particular importance of assuring and strengthening the security of non-nuclear-weapon States parties;

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

(h) Declaring that all nuclear-weapon States must unequivocally undertake to refrain, under any and all circumstances and without discrimination or exception of any kind, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty;

(i) Confirming that the Conference on Disarmament should immediately begin substantive work on concluding an internationally legally binding instrument to effectively, unconditionally, non-discriminatorily and irrevocably assure all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances.