Open-ended Working Group taking forward multilateral nuclear disarmament negotiations

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Item 5 of the agenda
Taking forward multilateral nuclear disarmament negotiations

Security assurances

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1. There is wide agreement that credible security assurances by the nuclear-weapon States (NWS) to non-nuclear-weapon States (NNWS) would serve as an important intermediary step on the way towards a world free of nuclear weapons. Such assurances would seek to ensure that, in the event of conflict, the use of nuclear weapons would be neither threatened nor contemplated. A negative security assurance would thus amount to a non-use guarantee by a nuclear-weapon State vis-à-vis a non-nuclear-weapon State. Given the basic asymmetry of the NPT, such a guarantee can also be seen as an expression of elementary fairness. After all, non-nuclear-weapon States are prohibited from developing nuclear weapons. Thus the possibility of a NWS threatening the use of nuclear weapons against a NNWS could encourage the NNWS in question to take countermeasures, possibly in violation of the NPT.

2. Non-nuclear-weapon States which fully respect their obligations under the Treaty and thus forego a military nuclear option could therefore claim with good reason to be entitled to such guarantees. This notwithstanding, it should be pointed out that the fairness argument might not hold in the case of aggression by a NNWS in a military alliance with one or several NWS against a NWS.

3. Negative security assurances should be one of the obvious benefits of adhering to the NPT as long as the total elimination of all nuclear weapons under effective international control is not within tangible reach. They help pave the way for reducing the salience of nuclear weapons in military doctrines.

4. The history of security assurances is a complex and chequered one. On the occasion of the expected indefinite extension of the NPT in 1995, the five NPT nuclear-weapon States sponsored a resolution on security assurances: Resolution 984 (1995). This resolution was based on previous statements made by NPT nuclear-weapon States.

1 Established pursuant to resolution 70/33 of the General Assembly of the United Nations.
5. The Action Plan adopted unanimously at the 2010 NPT Review Conference reiterates the importance of security assurances. It stipulates that “all States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, to discuss substantively, without limitation, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument.” (Action 7)

6. In the meantime, the status and reliability of the existing security assurances have been called into question, most recently in the context of the debate concerning the status of the Budapest Memorandum. This discussion reminds us of the need to go beyond the present state of affairs.

7. In addition, the fact that not all NWS consider their assurances to be legally binding also needs to be taken into account. This strengthens the argument of those in favour of a legally binding instrument as mentioned in Action 7 of the 2010 Action Plan. There can be little doubt that such a legally binding instrument would be a means to strengthen the status of security assurances.

8. It is our view that such an instrument could be feasible in the form of a protocol to the NPT or a separate multilateral arrangement. As a bare minimum, a protocol or a separate arrangement should offer negative security assurances and incorporate only the two conditions mentioned above, namely that the beneficiary NNWS must not be in material breach of the NPT and not attacking a NWS while itself acting in consort with another NWS. This said, it should be pointed out that it could be worthwhile, in the course of future discussions, to go beyond a mere obligation to refrain from certain actions and consider including other obligations. But time is of the essence, since the standstill in multilateral nuclear disarmament has lasted for two decades and there is a need to take action now. Given that the legitimate interest of NNWS to receive such assurances is not questioned by anyone, and that the NWS have already issued assurances (in the case of nuclear-weapon-free zones even in a legally binding form), it should be possible to negotiate such a protocol or instrument in good faith in a relatively short period of time.

9. It could thus be a deliverable for the 2020 Review Conference and at the same time demonstrate that there are steps we can achieve in the interest of progress on nuclear disarmament. The Open-ended Working Group could and should call for progress in this respect.