NEGATIVE SECURITY ASSURANCES

COMMENTS BY THE PERMANENT REPRESENTATIVE OF BRAZIL TO THE CONFERENCE ON DISARMAMENT, AMBASSADOR LUÍZ FILIPE DE MACEDO SOARES

Whenever the question of negative security assurances is discussed, the issue of nuclear weapon-free zones comes up. I understand that this issue is brought to our attention in this context because the States which belong to such zones, due to the fact that they have renounced to the possession of nuclear weapons by a legally binding international instrument, should be especially reassured that they will not be attacked by nuclear weapons nor will be threatened with the use of such weapons.

This is true and logical. What is also true is that the States belonging to a nuclear weapons-free zone are by this very fact legally bound not to acquire nuclear weapons. In other words, those who do not possess nuclear weapons grant guaranties while those who do possess them often display difficulties to adhere to arrangements which establish nuclear weapons-free zones.

The assurance of a non-nuclear weapon State not to acquire nuclear weapons had been already given by means of its adherence to the NPT. Hence what characterizes a zone free of nuclear weapons is the prohibition to deploy nuclear weapons within the geographic boundaries of such zone. My conclusion is that, although a nuclear weapons free zone reinforces the assurances already granted by the non-nuclear weapon States, it is nevertheless a legal institution which should not be mistaken for nor replaces negative security assurances.

If it seems important to keep in mind that distinction, it remains greatly important to strengthen the existing nuclear weapons-free zone and the creation of new ones such as the Middle East Nuclear Weapons-Free Zone and the Southern Hemisphere and Adjacent Areas Nuclear Weapons-Free Zone.

The most recent international document which addresses the subject of negative security assurances is of course UNGA Resolution 63/39. It is particularly interesting that the General Assembly, in the second operative paragraph, noted the absence of opposition, in principle, to the idea of a « international convention » on the subject.
The General Assembly did not fail to point out the existence of difficulties with regard to evolving a « common approach » acceptable to all. This « common approach » would lead to an agreement on a « common formula that could be included in an international instrument of a legally binding character ». Following the text of the Resolution and taking the terms and expressions in it, we could work on a road map for our efforts in the Conference of Disarmament.

Firstly, we would need to confirm that a legally binding multilateral instrument is acceptable to all. Following suit, we would have to work towards a « common approach ». Among other aspects it would be necessary to define the scope of the assurances, including the preservation of the rights granted by Article 51 of the Charter. I mention that in particular to remind that an instrument about negative security assurances cannot be mistaken for an instrument on nuclear disarmament nor could replace such an instrument.

The third step, always following the text of the UNGA Resolution, would correspond to finding a « common formula », that is, to start the negotiation of the text of a treaty.

I would add that the question of negative security assurances is ripe for negotiations in the CD.