DRAFT SOUTH AFRICAN STATEMENT AT THE FIRST PREPARATORY COMMITTEE FOR THE 2015 REVIEW CONFERENCE OF THE NPT

CLUSTER I SPECIFIC ISSUE - NEGATIVE SECURITY ASSURANCES

Chairperson,

Genuine security cannot be achieved by the non-nuclear-weapon States abandoning the nuclear weapons option alone. The Heads of State and Government of the NAM and the members of the New Agenda Coalition (NAC) have therefore consistently reaffirmed that the total elimination of nuclear weapons remains the only absolute guarantee against the use or threat of use of such weapons. They also agree that, pending the total elimination of all nuclear weapons, efforts aimed at the conclusion of a universal, unconditional and legally-binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

The issue of security assurances remains of importance to South Africa. The provision of such assurances is not some ultimate objective in and of itself, but is a pragmatic, interim and practical measure aimed at strengthening the non-proliferation regime and the objective of a universal, non-nuclear weapon-free world. My delegation’s insistence on the provision of legally-binding security assurances to States that have foregone the nuclear weapons option under the NPT is based on our belief that it would not only enhance the security of non-nuclear-weapon States under the Treaty, but also strengthen the non-proliferation norm.

Chairperson,

South Africa regards the provision of security assurances as a key element of the NPT that remains the primary nuclear non-proliferation and nuclear disarmament agreement. All States Parties to the NPT are bound by the grand bargain of the Treaty, whereby the five nuclear weapon States agreed to legally-binding commitments to pursue nuclear disarmament on the basis of which the non-nuclear-weapon States have foregone the nuclear weapons option. Since the legally-binding undertaking by non-nuclear-weapon States not to develop nuclear weapons has been given in the NPT context, it follows logically that security assurances should be granted under the NPT umbrella.

Chairperson,

During the 2003 NPT Preparatory Committee and the 2005 NPT Review Conference, South Africa together with its partners in the NAC submitted a working paper on the issue of negative security assurances, together with elements for a draft treaty. My delegation believes that the key concepts of that working paper remain valid, as does the continued need for the provision of negative security assurances to non-nuclear-weapon States to address their legitimate concerns, pending the total elimination of all nuclear weapons.

The NAC working paper makes reference to the 1996 advisory opinion of the International Court of Justice (ICJ) on the "Legality of the Threat or Use by States of Nuclear Weapons in Armed Conflict", where it was decided unanimously that "there is in neither customary nor conventional law any specific authorization of the threat or use of nuclear weapons" and that "a threat or use of force by means of nuclear weapons that is contrary to Article II, paragraph iv of the United Nations Charter, and that fails
to meet all the requirements of Article 51, is unlawful."

Chairperson,

Despite some progress on the reduction of the overall number of nuclear arms, there has regrettably been little substantive progress on nuclear disarmament. Continued reliance on nuclear weapons in security doctrines, the development of new types of nuclear weapons and qualitative improvements to existing arsenals have led to increased insecurity among non-nuclear-weapon States. As States that have renounced the nuclear weapons option, the provision of security assurances in a codified manner would serve as a measure of confidence as we work towards the achievement of a world without nuclear weapons.

It is sometimes claimed that the nuclear-weapon States have already granted security assurances to non-nuclear weapon States, either by way of resolutions, or in the context of nuclear-weapon-free zone treaties. If there is indeed such a commitment, there should be no objection to codifying such assurances in a universal, legally-binding instrument. Legally-binding security assurances will not only contribute to international confidence and security, but will also facilitate the process of the elimination of nuclear weapons.

Chairperson,

While some proponents of a nuclear-weapon-free world have started questioning whether the issue of negative security assurances is not perhaps part of the old Cold War thinking, my delegation remains convinced about the necessity of a legally-binding framework that would provide credible assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons until we achieve our goal of the total elimination of all nuclear weapons.

As long as these weapons exist, they will pose a threat to humanity. In order to address this threat, my delegation believes that a further step towards nuclear disarmament could also include a legally-binding instrument banning the use or threat of use of nuclear weapons within the framework of a legal commitment towards the total elimination of nuclear weapons. Such an instrument would be consistent with the 1996 ICJ advisory opinion on the legality of the use or threat of use of nuclear weapons and could serve as a useful interim step towards the eventual total elimination of nuclear weapons. We look forward to a continued engagement of these important matters.

I thank you.