Security Assurances in the Context of the NPT

By

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I wish at the outset of my brief remarks to thank Ambassador Abdrakhmanov and his staff for organizing these periodic Nuclear Discussion Forums and in particular for inviting me to speak today about security assurances in the context of the NPT.

These Forums serve an important function in the UN diplomatic community. They provide an opportunity for staff in the Permanent Missions who work on disarmament issues to meet in an informal environment. They include participation of individuals and groups from civil society who work in this field. And most important of all, they serve to remind us all that our collective goal is not just to limit or to regulate nuclear weapons, but to achieve their total elimination globally. As stated in my letter of invitation, this Forum is an initiative “aimed at strengthening multilateral action on the Path to Zero.”

On one level, the notion of providing both positive and negative security assurances to non-nuclear-weapon States is a classic case of what is popularly called a “no-brainer”. Who could possibly argue that such a group—comprised of States that voluntarily entered into legal commitments not to acquire such weapons—should be denied the right not to be threatened by the use of such weapons, a right guaranteed by a legal commitment?

Yet there are some familiar but unfortunate limitations in common sense when it comes to the subject of nuclear weapons. The NPT non-nuclear-weapon States have not in fact obtained such legally binding security assurances—what they have received instead are joint or unilateral political declarations that are far from unambiguous, as they remain hedged with various provisos and conditionalities.

In fact, it is an astonishing demonstration of their repudiation of nuclear weapons that 184 States joined this treaty as non-nuclear-weapon States parties even without receiving such legally binding security assurances. Of course, many of those states—including Kazakhstan—have received such assurances pursuant to their membership in regional nuclear-weapon-free zones, even if some of the relevant Protocols have not yet been ratified by all the nuclear-weapon States.

International interest in pursuing such security assurances has of course been expressed in many multilateral arenas, not just in the course of the NPT review process. This is apparent in annual General Assembly resolutions, in deliberations of the UN Disarmament Commission, and in the work of the Conference on Disarmament (CD). At the 2010 NPT Review Conference, the States Parties agreed to include in their 64-point Action Plan a call for the CD to “immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the threat or use of nuclear weapons.” (Action 7) Yet four years later, the CD has remained unable even to adopt a substantive programme of work.

To some extent, I suppose it would be fair to say that the NPT has emerged almost by default as the primary multilateral forum for the advocacy of security assurances for non-nuclear-weapon States. This issue has become somewhat of a “hardy perennial”—a term that Dag Hammarskjöld once applied to nuclear disarmament—in the NPT review process. At this year’s session of the Preparatory Committee for the 2015 NPT Review Conference, it was the subject of two detailed Working Papers prepared by the Non-Aligned Movement and by Iran, and was also addressed in several statements.

In principle, security assurances should well be seen as a means to encourage States to enter into non-proliferation commitments. Such assurances offer a concrete security benefit from non-possession, just as their denial to possessor states might be viewed as a penalty or
risk from having such weapons. By this reasoning, one would have expected that the non-nuclear-weapon States parties to the NPT would certainly have already received such legally binding assurances—and their absence is justifiably troubling.

While I have absolutely no doubt that efforts will continue to obtain such assurances, I think is fair to say that international perceptions about security assurances have been undergoing some changes over the years. The Final Document of the General Assembly’s first Special Session on Disarmament, for example, stated in 1978 that “effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security.” The General Assembly then called upon the 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.”

By contrast, the Final Document of the 2010 NPT Review Conference—while noting “the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances”, also stated that “The Conference reaffirms and recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.” Similar language was also adopted by consensus at the 2000 NPT Review Conference.

In short, the international community is acknowledging a fundamental difference between security assurances offered by nuclear-armed States versus the security benefits to non-nuclear-weapon States of a world without such weapons all together. In the former case, a promise is being made not to use existing weapons, while in the latter case use or threat of use is not just a promise but an impossibility. Disarmament is in this sense the absolute security guarantee against the use of the absolute weapon.

This conclusion, of course, is not at all meant to suggest that security assurances offered by possessor states are meaningless, or that they are irrelevant for international peace and security pending the achievement of nuclear disarmament. My point is rather that such assurances, to provide the most meaningful security benefits, must not be viewed as an end in themselves. These assurances, along with treaties establishing regional nuclear-weapon-free zones, are best viewed as “partial measures” that are part of a larger, global nuclear disarmament process. They alone will not be sufficient to get us to the nuclear-weapon finish line. But they can help to strengthen the multilateral norm against the use or threat of use of such weapons, and to this extent, they can contribute to the wider process of de-legitimizing nuclear weapons until the day they are finally abolished and eliminated.

We must never forget our common goal—we are not seeking a world with un-used nuclear weapons. We are seeking a world without such weapons. This has long been and must remain the consensus view of the international community. I would therefore hope that future discussions of security assurances will address one specific question—namely, what are the specific contributions that such assurances will make in the process of achieving this global disarmament goal? The answer will help us all to determine whether security assurances are just another nuclear arms control measure preserving existing stockpiles, or a valuable instrument to achieve a world free of such weapons. The verdict is still pending.