

## K – Security Assurances

### Unilateral Security Assurances by Nuclear-Weapon States

[1978, 1982 and 1995]

#### China

##### *Given on 7 June 1978 [extract]*

For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons. {A/S-10/AC.1/17, annex, para.7.}

##### *Given on 28 April 1982 [extract]*

Pending the realization of completed prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.

As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones. {A/S-12/11}

##### *Given on 5 April 1995*

For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.
2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices.
3. China has always held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons.
4. China, as a permanent member of the Security Council of the United Nations, undertakes to take action within the Council to ensure that the Council takes appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and imposes strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear weapon State that has entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive

devices, in the event of an aggression with nuclear weapons or the threat of such aggression against such State.

5. The positive security assurance provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

#### France

##### *Given on 30 June 1978 [extract]*

Furthermore, as regards paragraph 59 [of the Final Document of the Tenth Special Session] concerning assurances of the non-use of nuclear weapons against non-nuclear States, the delegation of France would recall that France is prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones. {Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 27th meeting, para. 190}

##### *Given on 11 June 1982 [extract]*

For its part, it [France] states that it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment. {Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 9th meeting}

##### *Given on 6 April 1995*

The issue of security assurances given by the nuclear Powers to the non-nuclear-weapon States is, for my delegation, an important one:

Firstly, because it corresponds to a real expectation on the part of the non-nuclear-weapon States, particularly those which, have renounced atomic weapons by signing the Treaty on the Non-Proliferation of Nuclear Weapons;

Secondly, because it involves our particular responsibilities as a nuclear Power;

Finally, because it has acquired new meaning since the end of the cold war, with the growing awareness of the threat which the proliferation of nuclear weapons represents for everyone.

It is in order to meet that expectation, to assume its responsibilities and to make its contribution to efforts to combat the proliferation of nuclear weapons that France has decided to take the following steps:

Firstly, it reaffirms, and clarifies, the negative security assurances which it gave in 1982, specifically:

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.

It seems to us natural that it is the signatory countries to the Treaty on the Non-Proliferation of Nuclear Weapons — that is to say, the overwhelming majority of countries in the world — who should benefit from these assurances, since they have made a formal non-proliferation commitment. Furthermore, in order to respond to the request of a great many countries, France has sought as much as possible to harmonize the content of its negative assurances with those of the other nuclear Powers. We are pleased that this effort has been successful. The content of the declarations concerning the negative security assurances of France, the United States of

America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland are henceforth practically identical.

Secondly, and for the first time, France has decided to give positive security assurances to all non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Its accession to the Treaty made this decision both possible and desirable. Accordingly:

'France considers that any aggression which is accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are entitled to an assurance that, should they be attacked with nuclear weapons or threatened with such an attack, the international community and, first and foremost, the United Nations Security Council, would react immediately in accordance with obligations set forth in the Charter.

'Having regard to these considerations, France makes the following declaration:

'France, as a Permanent Member of the Security Council, pledges that, in the event of attack with nuclear weapons or the threat of such attack against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, France will immediately inform the Security Council and act within the Council to ensure that the latter takes immediate steps to provide, in accordance with the Charter, necessary assistance to any State which is the victim of such an act or threat of aggression.

'France reaffirms in particular the inherent right, recognized in Article 51 of the Charter, of individual or collective self-defence if an armed attack, including an attack with use of nuclear weapons, occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.'

In this area also, we are pleased that the content of these positive assurances has been the subject of close consultations with the other nuclear Powers.

Thirdly, France, with the four other nuclear Powers, has decided to submit to the United Nations Security Council a draft resolution which constitutes a first in many respects, and which reflects our intention to meet the expectations of the international community globally, collectively and specifically;

Globally: for the first time, a draft resolution deals with both negative and positive assurances;

Collectively: for the first time, a resolution of the Security Council specifies the measures which the Security Council could take in the event of aggression, in the areas of the settlement of disputes, humanitarian assistance and compensation to the victims.

The draft resolution solemnly reaffirms the need for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully respect their obligations. That is not a *petitio principii*, but a reminder of a fundamental rule. The draft resolution also emphasizes the desirable nature of universal accession to the Treaty.

The decisions which I have just announced correspond to our intention to consolidate the non-proliferation regime and particularly the Treaty on the Non-Proliferation of Nuclear Weapons, which is the cornerstone of that regime. It is our hope and firm conviction that the initiatives we have just taken will contribute thereto.

#### **Soviet Union/Russia**

##### ***Given on 26 May 1978 [extract]***

From the rostrum of the special session our country declares that the Soviet Union will never use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories.

We are aware of the responsibility which would thus fall on us as a result of such a commitment. But we are convinced that such a step to meet the wishes of non-nuclear States to have stronger security guarantees is in the interests of peace in the broadest sense of the word. We expect that the goodwill evinced by our country in this manner will lead to more active participation by a large number of States in

strengthening the non-proliferation regime. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 5th meeting, paras. 84 and 85.}*

##### ***Given on 12 June 1982 [extract]***

[The Soviet Union assumes] an obligation not to be the first to use nuclear weapons. This obligation shall become effective immediately, at the moment it is made public from the rostrum of the United Nations General Assembly. ... [The question of the granting of security guarantees] could be solved by concluding an international convention. The USSR is also prepared to conclude bilateral agreements on guarantees with States which do not possess nuclear weapons and do not have them on their territory. *{Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 12th meeting}*

##### ***Given on 5 April 1995***

Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

#### **United Kingdom**

##### ***Given on 28 June 1978 [extract]***

I accordingly give the following assurance, on behalf of my government, to non-nuclear-weapon States which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a nuclear-weapon State. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 26th meeting, para. 12}*

##### ***Given on 6 April 1995***

The Government of the United Kingdom believes that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognises that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognising the continued concern of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment,

carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government does not regard its assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968 the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking 'effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace'. Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, Party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

#### **United States**

##### ***Given on 17 November 1978 [extract]***

The United States will not use nuclear weapons against any non-nuclear-weapon State Party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack. {A/C.1/33/7, annex}

##### ***Given on 5 April 1995***

The United States of America believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry into force, an event

commemorated by President Clinton in a speech in Washington D.C., on 1 March 1995. A conference to decide on the extension of the Treaty will begin in New York on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognised principles of international law, parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to the Treaty.

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter of the United Nations, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon-State permanent members, would act immediately in accordance with the Charter, in the event such non-nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the

Security Council has taken measures necessary to maintain international peace and security.

### United Nations Security Council Resolution 984 (1995)

[Adopted by the Security Council on 11 April 1995]

*The Security Council,*

*Convinced* that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

*Recognizing* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

*Welcoming* the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

*Reaffirming* the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

*Taking* into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, further appropriate measures be undertaken to safeguard their security,

*Considering* that the present resolution constitutes a step in this direction,

*Considering further* that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note* with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes further* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and *recognizes also* that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in

this regard in the event of such an act of aggression;

6. *Expresses* its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal,

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* that the issues raised in this resolution remain of continuing concern to the Council.

### Working Paper Submitted by Egypt to the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons [Extract]

[Reproduced from NPT/CONF.IV/PC.III/19, 27 April  
1990]

## II. The Consolidation of the Effectiveness of the Non-Proliferation Treaty

### II.1 – Security Assurances for Non-Nuclear Weapon States

Egypt believes that the most effective guarantee against the use or threat of nuclear weapons is nuclear disarmament under effective international control. Pending the attainment of that goal, negative security assurances are an indispensable measure in this regard.

The Conference on Disarmament in Geneva has a mandate to negotiate 'effective international arrangements' to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In this respect, the Third Review Conference expressed regrets that such arrangements were not reached and called upon all States, and in particular the nuclear-weapon States, to continue the negotiations devoted to the search for a common approach acceptable to all, which could be included in an international instrument of a legally binding character.

Hence, the Fourth Review Conference should:

II.1.A Call upon the United Nations Security Council to adopt a new resolution on negative security assurances. The proposed resolution should include credible assurances beyond what Security Council resolution 255 of 1968 provided for, in particular:

II.1.A.i A clear indication of the mandatory action to be adopted by the nuclear-weapon States and the Security Council to redress a situation where a non-nuclear-weapon State party to the Treaty is the object of a nuclear attack or threat of attack.

II.1.A.ii The obligation to pay reparation or compensation to the victim.

II.1.A.iii The obligation by States to provide immediate assistance to the victim.

II.1.B Request a collective declaration on negative security assurances by the nuclear-weapon States, to replace the 1978 unilateral declarations.

The collective declaration should refer to the unconditional commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against the non-nuclear-weapon States party to the NPT, which do not possess or place nuclear weapons on their territories.

II.1.C The issue of security assurances should be dealt with by the Conference in light of the existing peril emanating from the practice of certain nuclear threshold countries of an undeclared and ambiguous nuclear policy against their regional neighbours. The situation is further confounded by the refusal of such states to join the NPT, present the necessary assurances, and allow for verification measures under effective international control.

II.1.D Adopt an international instrument of a legally binding character on negative security assurances to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

This envisaged instrument could incorporate the following ideas:

II.1.D.i A commitment by all States party to the NPT not to use or threaten to use nuclear weapons from their territories against any State party to the NPT which does not possess or place nuclear weapons on its territories.

II.1.D.ii All States party to the Treaty should support the imposition of sanctions against any State, party or non-party to the Treaty which uses nuclear weapons against a non-nuclear-weapon State party to the Treaty which does not place nuclear weapons on its territories.

II.1.D.iii All nuclear-weapon States should not allow a non-nuclear-weapon State not party to the NPT, but has the capability to use nuclear weapons to attack or threaten to attack a non-nuclear-weapon State Party to the NPT.

II.1.D.iv All States party to the Treaty should provide assistance, if requested, to any non-nuclear-weapon State party to the Treaty that does not maintain nuclear weapons on its territory and has been attacked or threatened by the use of nuclear weapons.

---

**Working Paper Submitted by Egypt to the  
Conference on Disarmament Ad Hoc  
Committee on Effective International  
Arrangements to Assure Non-Nuclear-  
Weapon States against the Use of Threat of  
Use of Nuclear Weapons [Extract]**

[Reproduced from CD/SA/WP.13, 6 August 1991]

---

Egypt attaches great importance to the issue of effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons and believes that the most effective guarantee against the use or threat of use of nuclear weapons is nuclear disarmament under effective international control. Pending the attainment of this goal, security assurances are an important measure in this regard.

Egypt also believes that the non-proliferation Treaty, which is the cornerstone of the Non-Proliferation regime, should provide adequate security for all its parties.

On the basis of this understanding Egypt presented to the IV Review Conference of the Non-Proliferation Treaty which convened in Geneva in the summer of 1990, a proposal to this effect. Since then several important developments took place.

On 19 December 1990 the General Assembly adopted a resolution (A/RES/45/54) on the issue of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The resolution contained in operative paragraph 5 a recommendation that:

‘The Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the

conclusion of an international convention and giving consideration to *any other proposals designed to secure the same objective.*’

On 24 January 1991 the Conference on Disarmament decided to re-establish for the duration of its 1991 session, an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In the course of the deliberations of the A.H.C. its chairman, Ambassador Kralik of the Czech and Slovak Federal Republic made many references to the Egyptian proposal and included it in the Chairman’s papers. The debate also demonstrated wide support for the Egyptian proposal. One delegation expressed the conviction that while some may argue that the discussion of the so-called positive security assurances falls outside the purview of this committee, this delegation believed that the general objective of the Egyptian proposal is compatible with the thrust of this committee’s deliberation. Additionally, a group coordinator stated on behalf of his group that they took note with interest of the intention of the Egyptian delegation to table a new proposal on this issue.

The Egyptian proposal stems from the conviction underlined by the United Nations Charter that the primary objective of the United Nations is to maintain international peace and security and to take collective effective measures for the prevention and removal of threats to the peace through a collective security system. This guided the Security Council to adopt its resolution 255 of 19 June 1968 entitled ‘Question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the non-proliferation of nuclear weapons’.

This resolution which was adopted by the Security Council with five abstentions and without the participation of China culminated a process in which efforts exerted at the ENDC to incorporate a clause covering this issue in the text of the NPT, failed.

Consequently, and when the General Assembly was considering the adoption of the NPT in the course of its resumed session in May 1968, many delegations emphasized the necessity and importance of incorporating provisions for security assurances for non-nuclear-weapons States in the text of the NPT. This demand was, regrettably, not looked upon with favour by the nuclear-weapon States, and as a result the NPT did not contain a clause providing for security assurances. Instead the Security Council adopted resolution 255 which stated:

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapons State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members would have to act immediately in accordance with their obligation under the United Nations Charter;
2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the non-proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;
3. Reaffirms in particular the inherent right, recognised under article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

A closer look at 255 would reveal the following:

The *first* operative paragraph of 255 was drafted without proper consideration to the gravity of the actual use or threat of use of nuclear weapons. In fact what the resolution stipulates is that such an aggression or threat, would create a situation in which the Security Council would have to act immediately.

Consequently, resolution 255 lacks an explicit and unequivocal reference to this situation as one that would threaten international peace and security in conformity with the provisions of article 39 of the Charter. The resolution also did not contain a stipulation to deter States from using or threatening to use nuclear weapons nor does it contain assurances that the Council shall embark on effective and immediate measures to respond to such a grave situation in accordance with the letter and spirit of the relevant articles of Chapter 7.

The *second* paragraph of resolution 255 welcomes, in a rather superficial manner, the intention expressed by certain States that they will provide and support immediate assistance in accordance with the Charter to any non-nuclear weapon State Party to the Treaty that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used. What is lacking is a clear cut commitment from the nuclear-weapons States to take effective measures such as the application of sanctions. Furthermore, resolution 255 did not clearly indicate the extent and definition of 'assistance'. As a result any up-dating of resolution 255 should entail a comprehensive definition of assistance so as to include technical, scientific, financial and humanitarian assistance.

The *third* operative paragraph of resolution 255 which reaffirmed the inherent right recognized under article 51 of the Charter, of individual and collective self-defense did not contain, or bring about, any new addition to what has already been enshrined in the Charter.

For all the above-mentioned considerations it has become imperative to update Security Council resolution 255 by adopting a new resolution that would contain credible assurances and would build upon the provisions originally contained in resolution 255 of 1968.

The delegation in Egypt considers that a first step is necessary to initiate a process whereby nuclear-weapon State Party to the NPT would conduct consultations collectively or individually with the nuclear-weapon States not currently party to the Treaty on security assurances taking into account United Nations Security Council resolution 255 of 1968 and to inform other States parties to the treaty of any progress on appropriate action by the Security Council that may result from these efforts.

---

### Working Paper: "Security Assurances"

[Submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, Sweden, and South Africa as members of the New Agenda Coalition (NAC),  
Reproduced from NPT/CONF.2005/PC.II/WP.11, 1  
May 2003]

---

#### 1. INTRODUCTION

The Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons states that: "The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue."

Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament states that: "Noting United Nations Security Council resolution 984(95), which was adopted unanimously on 11 April 1995, concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument."

The 1990 Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which, while the document as a whole did not achieve agreement, was consensus language, that:

"The Conference recognises the need for effective international arrangements, that could be included in an

international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon States, including those which are not parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness."

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that: "There is in neither customary nor conventional international law any specific authorisation 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 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful."

#### 2. PERSPECTIVE

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT.

Security assurances rightfully belong to those who have given up the nuclear weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

#### 3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions that would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally binding instrument on security assurances; and
- In what format such security assurances would be provided.

#### 4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, in that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX (3) of the nuclear Non-Proliferation Treaty identifies and defines a nuclear weapon State as a one "... which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967."

#### 5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES

United Nations Security Council Resolution 984(1995), acknowledges the legitimate interest of all non-nuclear-weapon States under the NPT to receive security assurances.

This legitimate interest of all of the NPT's non-nuclear-weapon States is further acknowledged in the statements (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265) made by each of the nuclear-weapons States on the issue of security assurances.

#### 6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in

terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances that rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the abovementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances, these assurances were qualified by to exclude cases of an invasion or any other attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon-States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

#### **7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES**

An internationally legally binding instrument would, *inter alia*, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.
- The identification of the States providing the security assurances.
- The identification of the States beneficiary of the security assurances.
- Any qualifications to the security assurances provided for in the instrument.
- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear weapons.

#### **8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED**

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these assurances should only be granted in the context of nuclear-weapon-free zones are not valid. The primary undertaking not to aspire to nuclear weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.

#### **9. A DRAFT [PROTOCOL] [AGREEMENT]**

A draft [Protocol] [Agreement] that demonstrates how security assurances could be encapsulated taking into account the contents of this paper is attached. This draft is attached on the

understanding that any such [Protocol] [Agreement] would be the subject of intensive and detailed negotiations that would need to be agreed upon by consensus amongst all the States parties to the NPT. As such, it is further understood that all States parties would reserve, and exercise, the right to make proposals for changes, additions and/or deletions to the text, should it be considered as a possible basis for further work.

### **ANNEX — DRAFT [PROTOCOL] [AGREEMENT] ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS**

#### **Preamble**

The States party to this [Protocol] [Agreement],

Being also parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature in London, Moscow and Washington on 1 July 1968 (hereinafter called 'the Treaty'),

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty to these efforts, **(Taken from UNSCR 984(1995))**

Taking into consideration the legitimate concern of non-nuclear weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures are undertaken to safeguard their security, **(Taken from UNSCR 984(1995))**

Agreeing that legally binding security assurances by the five nuclear weapon states to the non-nuclear weapon states parties to the Treaty strengthen the nuclear and non-proliferation regime, **(Taken from 2000 NPT Final Document)**

Recognising the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances, **(Taken from UNSCR 984(1995))**

Reaffirming the need for all States party to the Treaty to comply fully with all their obligations, **(Taken from UNSCR 984(1995))**

Reaffirming also the importance of the Treaty and the need for the full implementation and achievement of all of its provisions,

Reaffirming furthermore that the Board of Governors of the International Atomic Energy Agency (IAEA) is responsible for the consideration of cases of non-compliance with IAEA safeguards agreements, **(IAEA Statute)**

Reaffirming that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, **(Taken from 2000 NPT Final Document)**

Recalling the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States Parties to the Treaty are committed under Article VI of the Treaty, **(Taken from 2000 NPT Final Document)**

Have decided and hereby agree as follows:

#### **Article I**

1. The nuclear-weapon States party to this [Protocol] [Agreement] as defined in terms of Article IX (3) of the Treaty undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty.

2. The States party to this [Protocol] [Agreement] undertake, individually or collectively, to take appropriate measures in response to a request for political, military, technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State party to the Treaty which is a

victim of the use of nuclear weapons. (Taken from UNSCR 984(1995))

#### Article II

1. The security assurance provided for in terms of Article I (1) of this [Protocol] [Agreement] shall be provided by the nuclear-weapon State parties as defined in terms of Article IX (3) of the Treaty.

2. The States receiving the security assurance provided for in terms of Article I (1) shall be non-nuclear-weapon State parties to the Treaty which are in compliance with their obligations under article I I of the Treaty. (Taken from security assurances statements by NWS of April 1995)

3. The security assurance provided for in terms of Article I (1) shall cease to apply in the event of an invasion or any other armed attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State party to the Treaty in association or alliance with a nuclear-weapon State. (Taken from security assurances statements by NWS of April 1995)

#### Article III

1. The States party to this [Protocol] [Agreement] undertake to cooperate with the Security Council of the United Nations in the event of the use or threat of use of nuclear weapons. The Security Council shall consider measures in conformity with the Charter of the United Nations to address such an act or action. (Taken from UNSCR 984(1995))

#### Article IV

1. This [Protocol] [Agreement] shall be signed and shall be open for signature by any State party to the Treaty. It shall be subject to ratification.

2. This [Protocol] [Agreement] shall enter into force for each State party on the date of deposit of its instrument of ratification.

3. This [Protocol] [Agreement] shall be of unlimited duration and shall remain in force as long as the Treaty is in force.

4. This [Protocol] [Agreement] shall not be subject to reservations.

5. Any amendments to the [Protocol] [Agreement] proposed by a State party shall be carried out in accordance with the procedures of Article VI I I (1) and (2) of the Treaty.

6. Each State party to the [Protocol] [Agreement] shall in exercising its national sovereignty have the right to withdraw from the [Protocol] [Agreement] in accordance with the provisions of Article X (1) of the Treaty.

7. The operation and effectiveness of this [Protocol] [Agreement] shall be reviewed at the Review Conferences of the Treaty.

#### Article V

1. Nothing in this [Protocol] [Agreement] shall be interpreted as in any way limiting or detracting from the

obligations of any State under other agreements or treaties on the establishment of nuclear-weapon-free zones.

#### Article VI

1. This [Protocol] [Agreement], the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the Depository Governments of the Treaty. Duly certified copies of this [Protocol] [Agreement] shall be transmitted by the Depository Governments to the Governments of the signatory States.

2. IN WITNESS WHEREOF the undersigned, duly authorised, have signed this [Protocol] [Agreement].

3. DONE in triplicate, at the cities of London, Moscow and Washington, the ... day of ...

---

### Working Paper on security assurances Submitted by China

[Reproduced from NPT/CONF.2005/PC.III/WP.9]

The Chinese Delegation hereby requests that the following elements be incorporated in the recommendations to the 2005 Review Conference of the States Parties to the Treaty on Non-Proliferation of Nuclear Weapons (NPT).

1. In order to free the world from the threat of nuclear weapons and the risk of nuclear war, all nuclear weapons should be subject to complete prohibition and thorough destruction. Before the objective is realized, all nuclear-weapon states should undertake not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones at any time or under any circumstances.

2. An international convention on the no-first-use of nuclear weapons and international legal instrument on no use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones should be concluded as soon as possible.

3. Nuclear-weapon states should lower the role of nuclear weapons in their national security strategies and not list any country as target of strike by nuclear weapons.

4. Nuclear-weapon states should support non-nuclear-weapon states' efforts to establish nuclear-weapon-free zones and undertake corresponding obligations.

5. The Conference on Disarmament in Geneva should re-establish an ad hoc committee on Negative Security Assurances and start substantive work and negotiations without delay.