Negative Security Assurances (NSAs)

- In these times of crisis, the issue of security assurances has, unfortunately, gained renewed relevance in all disarmament and non-proliferation fora.
- It is Germany's view that 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 reach.
- Ever since UNSC Resolution 255 (1968) on the "Question Relating to Measures to Safeguard Non-Nuclear-Weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons", its PSAs and its encouragement of non-nuclear weapon states to join the NPT, there has been a call for legally-binding NSAs offering more profound protection.
- After a period of major change in the international security environment, on 5 December 1994, three sets of security assurances were provided by the Russian Federation, the United States, and the United Kingdom to Kazakhstan, Ukraine, and Belarus. France provided a similar assurance to Ukraine.
- These assurances provided a reference for commitments offered by nuclear-weapon states five months later: 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, like Res. 255 (1968), based on statements made by NPT nuclear-weapon States and, for the first time, combined positive security assurances with elements of negative security assurances in an action by the UN Security Council.
- Since 2005, the CD has engaged in thematic debates on the topic of negative security assurances as well as the other core issues.
- Multiple attempts to craft security assurances to strengthen the credibility of the NPT and its nonproliferation regime to non-nuclear-weapon States have been made in the past. The willingness of nuclear-weapon States to bind themselves does, however, not go beyond Action 8 of the Final Document of the 2010 NPT Review Conference. As a result, the nuclear-weapon States have a margin of discretion to agree to the extension of negative security assurances and, in case they agree thereto, to do it in a way they consider appropriate.
- With respect to the regional Nuclear-Weapon-Free-Zones, Germany welcomes progress with regard to delivering negative security assurances
to non-nuclear weapon States in a legally binding form via NWFZ agreements. As we heard yesterday, negotiations are still underway. These legally binding Security Assurances constitute an important intermediate step towards our ultimate goal, namely complete disarmament.

- Regrettably, the breach of the 1994 Budapest Memorandum vis-à-vis Ukraine has cast a shadow on the status of the value of NSAs. This holds true even though the Budapest Memorandum offered guarantees which go beyond the NSAs. It is a moot point to discuss whether it was legally or politically binding for the states guaranteeing it. After all, it was binding in any case.

- Trust has been shaken by Russia’s annexation of Crimea and its well-documented activities in Eastern Ukraine. In this context and to cut a long story short, I would simply refer to UNGA Resolution 11493.

- In the framework of the NPT review process, the States Parties to this treaty might be well-advised to discuss: Whither the next generation of negative security assurances? Clearly, they need to be appropriate in today’s security environment. Similar to the Budapest Memorandum, these next generation assurances should directly address the actual concerns of non-nuclear-weapon states. The central element of these assurances might, for instance, be a conjunction of well-established negative security assurances with an interdiction to resort to force as one of the fundamental principles of the Charter of the United Nations.

- Even if this is not directly achievable, it would be of paramount importance if this Conference lent its support to the NSA’s. From Germany’s view, it is high time to also start negotiations on a multilateral instrument on legally binding NSA’s.