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**Statement by the Representative of Ukraine at the  
Third Session of the Preparatory Committee for the 2010 NPT  
Review Conference**

**Specific issue – Nuclear disarmament and security assurances**

Mr. Chairman,

I would like to address one specific issue under this item, which remains at stake until the purposes of nuclear disarmament are reached, namely the granting of legally binding security assurances to the non-nuclear-weapon states.

According to the Charter of the United Nations, States have an obligation to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. The NPT stands strong on this issue.

Ukraine believes that the UN Security Council Resolutions 255 (1968), 984 (1995), 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" as well as the relevant documents of 1990, 1995 and 2000 NPT review conferences provide an important basis for serious consideration of the issue of legally binding security assurances by the nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

On 5 December 2009 the Treaty between the USA and the USSR on the Reduction and Limitation of Strategic Offensive Arms (START Treaty) of July 31 1991 expires. Following the Trilateral statement by the Presidents of Ukraine, the USA and the Russian Federation of January 14, 1994, on 5 December 1994 three nuclear-weapon states and Ukraine signed the Budapest Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-proliferation of Nuclear Weapons. The same day France and China provided unilateral security assurances in the form of diplomatic notes.



The present political and security realities prove that the security assurances provided to Ukraine 15 years ago cannot be considered sufficient enough. We believe that despite the commitments taken by nuclear-weapon states in connection with Ukraine's accession to the NPT, today Ukraine as a country that does not belong to any existing system of collective security, remains unprotected in the face of emerging threats and challenges.

The major weakness of the Budapest Memorandum is that it only provides for a mechanism of consultations when a threat appears. Furthermore, even in case when the involvement of the UN Security Council is required in accordance with the Budapest Memorandum, a decision on that matter can potentially be vetoed by any of the Council's permanent members.

Therefore, Ukraine is seeking support of nuclear-weapon states concerning the development and adoption of a new multilateral international legally binding document on security guarantees for Ukraine in connection with the START expiration. The document should be opened for signature by all P5 states and include the clear mechanism of the guarantees implementation.

Ukraine is convinced that the granting of credible security assurances in the form of an international legally binding instrument will substantially enhance the nuclear non-proliferation regime, improve mutual trust and overall stability. We also believe that such a measure would also provide a significant benefit to the parties to the Treaty and could serve as an incentive to those who remain outside the NPT.

For many years a number of efforts have been made in various forums to develop formal security assurances that would be uniform, unconditional and legally binding. The UN General Assembly adopted several resolutions recommending the conclusion of an international convention on the non-use of nuclear weapons against non-nuclear-weapon states.

Ukraine believes that the time has come for the renewed consideration of these issues in the multilateral negotiations leading to the adoption of a legally binding instrument on security assurances. In our view, such document should contain the following key provisions:

- an obligation for nuclear-weapon states to refrain from the threat or use of force against the territorial integrity or political independence



of non-nuclear weapon states, to respect their sovereignty and existing borders;

- an obligation for nuclear-weapon states to refrain from political, economic and other forms of coercion designed to subordinate to their own interest the sovereign rights of non-nuclear weapon states;
- an obligation to provide assistance to any state that became a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used;
- responsibility of a nuclear-weapons state for violation of these obligations.

Ukraine very much hopes that the 2010 NPT Review Conference will reaffirm its call to all nuclear-weapon states to strictly adhere to their existing respective pledges and will propose appropriate measures to urgently address the issue of legally binding security assurances to non-nuclear-weapon states.

Ukraine reiterates its proposal, made at the previous Prepcom session, to convene a special international conference under the UN auspices to consider this issue. We believe such a conference could contribute to finding an acceptable solution concerning negative security assurances that would substantially enhance the regime established by the NPT.

