Chairperson,

South Africa associates itself with the statement by the Non-Aligned Movement.

Genuine security cannot be achieved by the non-nuclear-weapon States abandoning the nuclear weapons option alone. What is also required is for such States not to feel threatened by nuclear weapons. In this context, the Heads of State and Government of the Non-Aligned Movement have consistently reaffirmed that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of such weapons. They furthermore agree that, pending the total elimination of nuclear weapons, efforts for 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 New Agenda Coalition has expressed its views and provided States parties with a working paper in 2003. The key concepts of the Working Paper remain valid, as does the continued need for the provision of security assurances to non-nuclear-weapon States to address their legitimate concerns that, in conjunction with their adherence to the NPT, further measures be undertaken to safeguard their security.

The New Agenda Coalition working paper also makes reference to the 1996 advisory opinion of the International Court of Justice (ICJ) on the “Legality of the Threat or Use by State of Nuclear Weapons in Armed Conflict”, where it was decided unanimously that “there is in neither customary nor conventional international 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.” As States Parties will recall, the ICJ advisory opinion was provided in response to a request by the United Nations General Assembly.

Non-nuclear-weapon States have been consistent in expressing their concerns about their vulnerability from the use or threat of use of nuclear weapons. The issue of security assurances has a long history and continues to remain of importance to South Africa, as indeed it does to all non-nuclear-weapon States. The significance of security assurances has been recognised in many documents, including in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons when the Conference agreed “that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the NPT strengthen the nuclear non-proliferation regime”.

Chairperson,

It is sometimes claimed that the nuclear-weapon States believe that they have already granted security assurances to non-nuclear weapon States, either by way of resolutions, or nuclear-weapon-free zones. If there is such commitment, it would appear logical that they should not object to codifying such assurances in a legally binding instrument. Legally binding security assurances will enhance strategic stability, facilitate the process of the elimination of nuclear weapons and contribute to international confidence and security.

South Africa regards the provision of security assurances as a key element of the Non-Proliferation Treaty. As the NPT is the primary nuclear non-proliferation agreement in terms of which the non-nuclear-weapon States have foregone the nuclear weapons option, it follows logically that security assurances should be provided under the Treaty. In South Africa’s view, the negotiation of legally binding security assurances should therefore take place under the NPT umbrella within the context of the Strengthened Review Process of the Treaty.

Chairperson.
We are bound by the grand bargain of the NPT, agreed to by nuclear-weapon States and non-nuclear-weapon States. The commitment to the bargain that some States have forgone the nuclear weapons option altogether, while others pledged to work towards nuclear disarmament should be honoured. However, there has not been substantive movement on nuclear disarmament. The increased reliance on nuclear weapons as part of security strategies and the development of new types of nuclear weapons has increased the insecurity of developing countries and other non-nuclear-weapon States. As States that have renounced the nuclear weapons option, the provision of such assurances in a codified manner would serve as a further measure of confidence in the work towards achieving the ultimate goals of the Treaty.

In conclusion, Chairperson,

South Africa continues to hold the view that 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 NPT, or as a protocol to the Treaty. If there is such commitment by nuclear-weapon States to negative security assurances, why can such assurances not be provided under the NPT?

I thank you, Chair.