

Algeria  
Mr. Hamza Khelif  
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Thank you Mr. Chairman

The delegation of Algeria has previously expressed its position on the issue of NSAs, during the plenary of the 10<sup>th</sup> February 2011. Today I would like to take the floor to reemphasize the importance we attach to this issue. The granting of NSA for NPT states parties being non-nuclear weapon states, is only logical and natural. It is of a great importance considering its repercussions on the security and safety of those states, particularly such states that are not covered by a nuclear umbrella or a security agreement of this kind. No one can deny the legitimacy of this demand.

The Security Council and its resolution 984 from 1995, admits the legitimate interests of non-nuclear weapon states parties to the NPT, to have security assurances. Such measures are only normal for the maintaining of security of such states. In this context the delegation of Algeria believes that the issue of NSA is quite ripe and ready and most urgent for negotiations in both moral and political terms.

Mr. Chairman, the current system of assurances does not meet the objective we aspired to the assurances granted within unilateral declarations by nuclear powers are not legally binding instruments and they are accompanied by several conditions. And as has been eloquently expressed by the distinguished ambassador of Brazil, on the other hand the assurances granted in the framework of nuclear weapon free zones are intern insufficient and inadequate. They are subjected to certain conditions in addition to the fact that such NWFZ does not cover all part of the world, and the Middle East region is a case in point. Therefore Algeria is of the opinion that a universal, legal instrument that is non-discriminative and international that will put non-nuclear states far from use or the threat of use of nuclear weapons. The Conference on Disarmament is appropriate forum for negotiations on this issue.

In this connection I would like to recall that the CD established in 1998 an ad-hoc committee entrusted with negotiation of an agreement on effective international arrangements to secure the non-use or threat of use of nuclear weapons against non-nuclear weapon states. Such arrangements would take the form of a legally binding instrument. In 1999 three nuclear weapons state, namely France, the UK and Northern Ireland and the US, a work-program contained in document CD/1586 that again contained the establishment of an ad-hoc committee on NSA with the same previous mandate.

Regrettably this option was later on backed off from and several nuclear weapons states objected late on to the formula of a legally and internationally binding instrument. However, transformation witnessed later on by the world favored non-discriminative and legally binding agreement. This last approach meets the concerns of the non-nuclear weapon states on the one hand and promotes the NPT regime on the other hand. The credibility of any treaty depends on its ability to meet the concerns and interest of all parties.

Mr. Chairman, the military doctrines adopted by some nuclear weapon states based on a nuclear deterrence in its security policies and allowed it use even against the non-nuclear states under the pretexts of self-defense according to article 51 of the UN charter makes the conclusion of a multilateral agreement on the NSA's all the more urgent. We would like to add here that the argument of self-defense cannot be erased here particularly that the use of nuclear weapons with its indiscriminate destructive effect cannot be taken into account in International Humanitarian Law as referred to by the International Court of Justice in its legal opinion. Moreover the repercussions of the use of such weapons cannot be conceived beyond the purview of crimes that fall within the jurisdiction of the International Criminal Court, the ICC.

Mr. Chairman, the large scale of participation in the debate on NSA during the plenary meetings held in on the 10<sup>th</sup> February 2011 is an indication of the utmost importance of this issue which encourages us even more to pursue such debates. The delegation of Algeria believes that the proposal made by the

distinguished ambassador of Ireland during that plenary meeting, which aims at concluding a treaty that the engagement by all the state parties of the non-use or the threat of use of nuclear weapons against non nuclear weapons states parties to the NPT represent a good basis for the pursuance of the discussions. It represents a point of departure that could be complemented with other proposals on the mechanism of consultation and the legislative measures in order to implement such commitment, including the resort to the General Assembly and the Security Council, in addition to the special measures of submitting assistance to victim countries. And the document CD/1864 on the work-programs from year 2009 we believe it is a good start for a discussion on NSA hoping that we would be able to reach a formula that could lead to a legally binding international binding instrument.