

SIGNIFICANCE OF NEGATIVE SECURITY ASSURANCES AND CHALLENGES FOR NUCLEAR NON-PROLIFERATION REGIME: CASE STUDY OF UKRAINE

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Abstract

Nuclear weapons remain central to states' security in the contemporary strategic environment, as they deter major-power conflict while also influencing the evolution of both conventional and hybrid warfare. In this context, this paper examines Ukraine's experience under the 1994 Budapest Memorandum. It highlights how weak and non-binding security assurances, particularly in the absence of enforceable mechanisms, reinforce perceptions that nuclear weapons remain essential for national survival and strategic autonomy. The Budapest Memorandum's lack of legally binding obligations and effective enforcement mechanisms strengthens the strategic logic of hedging, latency, and potential nuclear acquisition among vulnerable states. The paper examines the evolution of Negative Security Assurances (NSAs) across the Nuclear Nonproliferation Treaty (NPT), the Conference on Disarmament (CD), and the Treaty of Tlatelolco to identify a persistent gap in the international security framework. It also analyses Pakistan's long-standing position at CD and concludes that negotiating a legally binding NSA under CD is a priority for strengthening global nuclear governance for states without nuclear weapons.

Keywords: Negative Security Assurances (NSAs), Nuclear Nonproliferation Regime, Budapest Memorandum, Strategic Stability.

Introduction

The architecture of global nuclear non-proliferation has historically relied on a combination of legal frameworks, political commitments, and the deterrent threat posed by nuclear weapons to maintain strategic stability. Within this

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framework, Negative Security Assurances (NSAs) are defined as a political obligation or pledge provided by a Nuclear-Weapon State (NWS) that it will not use or threaten to use nuclear weapons against a Non-Nuclear-Weapon State (NNWS). This differs from Positive Security Assurances (PSAs), which are political obligations or pledges provided by an NWS to an NNWS that it will assist, as per the United Nations (UN) Charter, if the NNWS's land is attacked or threatened with attack by an NWS.¹

Building on this normative framework of assurances, the 1994 Budapest Memorandum serves as a prominent example, under which Ukraine willingly abandoned its nuclear weapons, that comprises world's third most significant nuclear stockpiles, in exchange for security assurances from Moscow, Washington, and London.² Such a case study of Ukraine thus provides a critical credibility gap in international security guarantees and signals to NNWSs the risks inherent in relying solely on political pledges, which are mostly contingent on strategic calculus. Such developments also underscore the need for renewed focus on NSAs at the Conference on Disarmament (CD).

In parallel, the difference between political commitments/obligations versus legal guarantees or binding measures can be noted through soft law and hard law. Soft law is purely based on political commitments. States usually follow rules voluntarily or interpret them according to their geopolitical situation. Hard law refers to legally binding agreements that provide more credibility to the legal arrangements. States that are committed to hard law are obliged under international law to follow it legally. Deviation or violation from a lawful agreement or binding treaty triggers legal consequences, such as sanctions, use of force, etc.³

The crisis in Ukraine also exemplifies the influence of strategic contention between Washington and Moscow. The Western literature infers that Moscow's takeover of Crimea (2014) including subsequent offensive (2022)⁴ revealed the gaps of non-binding political commitments from the Budapest Memorandum. However, the Russian official view defines the ongoing conflict as 'Special Military Operations (SMO)' that aim to demilitarise Ukraine by protecting people who are being subjected to abuse and genocide,⁵ in the aftermath of the US-backed 'Orange Revolution' in Ukraine, which replaced a pro-Russian dispensation with a pro-West one.⁶ Kremlin spokesperson Dmitry Peskov highlighted that Russian goals have never changed throughout the conflict, as Moscow desires no

interference in Ukraine's neutral status.⁷ Most importantly, Russia views the North Atlantic Treaty Organisation's (NATO) eastward enlargement as an attempt to encircle Russia. Ukraine's integration into NATO would bring the organisation to Russia's doorstep, something that no Russian leader would accept. Hence, Russian officials maintain that the Ukraine crisis predates 2022 and is linked to the post 1991 era that remains focused on the expansion of Western security alliances.⁸ Past assurances provided by Western leaders to the Soviet Union during German reunification negotiations that NATO would not move eastward is something the West denies. Despite Western denial, there appears to be evidence that these assurances were made. In this context, former Secretary of State James Baker had assured then-Mikhail Gorbachev in 1990 that no expansion of NATO forces would be made towards the east.⁹ However, the West failed to uphold this commitment. Russia is critical of NATO's further expansion into Central and Eastern Europe, including of former Warsaw Pact members and Baltic states bordering Russia, arguing it has disregarded Moscow's security interests. Such attempts have clearly undermined this principle that "security is indivisible and not one country can enhance its security at the expense of another."¹⁰ Realising these concerns and possible Russian response, leading Soviet specialist George Kennan calls the US' decision to enlarge NATO a "fateful error."¹¹

In the context of great powers rivalry, Ukraine has effectively become a proxy battleground, where conventional and hybrid conflicts unfold under the shadow of nuclear-armed powers. From a neo-realist view, nuclear weapons remain a central instrument of strategic stability, deterring confrontation between major powers while limiting conflict to conventional or localised engagements. The combination of unenforceable NSAs, shifting alliances, and regional insecurity reinforces why latent or actual nuclear capability continues to be perceived as essential for national survival and strategic autonomy. By examining Ukraine through the lens of the Budapest Memorandum, this paper highlights how weak security assurances, coupled with strategic contention, reaffirm the enduring relevance of nuclear arsenals in ensuring nuclear deterrence as a guarantor towards preserving peace. Ukraine also appreciates the framework of NSAs as it would limit the scope of use or threat of use of nuclear weapons.¹² Renewed debate on the Russia-Ukraine conflict has raised questions about the credibility of NSAs. The deteriorating relations between Russia, the US and Western states have led many NNWSs to now view NSAs as fragile instruments vulnerable to reinterpretation or violation during crises. This has intensified calls for making NSAs more explicit, legally binding, universally applicable, and backed by enforcement mechanisms. In today's volatile strategic environment, marked by

rising major-power rivalry, erosion of strategic stability, and emerging disruptive technologies, the strategic relevance of NSAs has become a key factor in strengthening non-proliferation commitments and restoring confidence among states that rely on international security assurances rather than nuclear deterrence.

Theoretical Framework

Kenneth Waltz, a neo-realist, argues that nuclear weapons are the sole means of guaranteeing peace. These weapons strengthen the state's security and autonomy. It also lowers the probability of full-scale war between two nuclear adversaries. States are deterred from launching an attack as the conflict may escalate towards inadvertent nuclear war. Even 'irrational states' need to act rationally under the pretext of nuclear deterrence – as the survival of a state underlines territorial integrity. 'Balance of terror' acts as a key stabiliser once conflicting nuclear-armed states—even smaller ones—possess nuclear weapons. It also incentivises states to avoid miscalculations and minimise the chances of accidental wars.¹³

The Ukrainian experience highlights the limits of relying solely on political assurances in the absence of nuclear capabilities. By surrendering its nuclear arsenal under the Budapest Memorandum, Ukraine placed its trust in political guarantees provided by Moscow, Washington and London. Yet, Russia's subsequent actions demonstrated that non-binding political guarantees cannot replace the strategic deterrence offered by an actual nuclear arsenal. Viewed through a neo-realist lens, the conflict reinforces Kenneth Waltz's argument: states without credible nuclear capabilities remain exposed to coercion and aggression, and lasting security is ultimately grounded in the possession of a credible nuclear deterrent rather than in unenforceable political commitments.

Historical Debate on NSA

The NSG's pledge remains significant in providing security guarantees to NNWSs. Its historical debate can be traced to increasing efforts by the Non-Aligned Movement (NAM), a group of 121 members.¹⁴ The Nuclear Non-proliferation Treaty (NPT) remains the central stage for these debates, voiced by NAM countries. Resolution 21/53A¹⁵, sponsored by the UN General Assembly in 1966 under the Eighteen-Nation Committee on Disarmament¹⁶, calls for urgent assurances that those without nuclear arsenals will not be threatened by their use against them. The US downplayed this resolution, fearing that the former Soviet

Union would threaten West Germany unless the US withdrew all of its stationed nuclear weapons from West Germany.¹⁷

A first legal precedent towards the NSAs debate was noticed with the establishment of a regional treaty in Latin America and the Caribbean, also known as the Nuclear Weapon Free Zone (NWFZ). Additional Protocol II of the Treaty of Tlatelolco (1967)¹⁸ underscored that the language of NSAs, i.e., NWS, which is a party to this treaty, will not be threatened by the use of a nuclear arsenal against any party to this Treaty.¹⁹

The First Special Session of the General Assembly on Disarmament (1978) adopted a final document highlighting a universal, internationally legally binding agreement on providing assurances by the NWSs, which mentions neither the use nor the threat of using a nuclear arsenal towards states without nuclear weapons. The final document encouraged the Committee on Disarmament, now called the CD, to take the lead on such negotiations.²⁰

In the 1980s and onwards, CD initiated discussions on the issue of NSAs. An Ad hoc Committee was established to discuss this issue from 1983 to 1994. CD continuously faced limitations on debate relating to a legally binding instrument on NSAs, particularly from varying positions among NWSs regarding the scope, conditions, and legal form of such assurances. Later in 2009, a programme of work was adopted to discuss NSAs to consider all items on the agenda, including legal debate on the subject.²¹

In 1995, UN Security Council Resolution 984²² was moved to promote the debate on PSAs. It urged UNSC permanent members, also known as P5 states, to act against nuclear aggression or its threat by affirming the right of self-defence and collective security actions in Articles 51 and 39.²³ Since 1990, Pakistan has consistently submitted resolutions on NSAs at the UNGA, which have been adopted unanimously.²⁴

Later, at the 1995 NPT Review Conference (RevCons) and onwards, all NPT nuclear weapon states issued individual declarations underscoring UNSCR 984.²⁵ 2000 NPT RevCon's Final document also did not refer to the legal debate on NSAs and mentioned upcoming PrepComs to affirm NSAs' role in line with the NPT framework. The Final Document of 2010 underscored two points: to uphold discussions on the legal framework for NSAs under CD and to continue

maintaining existing pledges by NPT NWSs.²⁶ The 2015 NPT RevCon resulted in failure to adopt a final document, and no new language or debate was noted on NSAs. However, several working papers and statements supported the unequivocal and legally binding security assurances from NWSs.²⁷ Next, the 2020 NPT RevCon noted and acknowledged the significance of the NSA debate and underscored the legal pathway to this debate.²⁸ China and Russia also reiterated the debate on the legal framework for the universal codification of NSAs during the 2026 NPT RevCon.²⁹

NSA as a Priority for Ukraine

Considering the official position of Ukraine on NSAs, the country maintained that NSAs remain a key pillar in maintaining the state's security. Further, Ukraine is not a party to any Western military bloc. It maintains that internationally legally binding NSAs should be negotiated under CD.³⁰ Official positions of other states, including the US, UK, Russia, China, France, Pakistan, India, and other US allies, including Germany, Japan and South Korea, are in Annex A.

It is pertinent to note that, as long as NSAs remain non-binding declarations issued unilaterally by NWSs, their practical value as a restraint on nuclear coercion will remain limited. As evidenced in the ongoing conflict, the breach of the Budapest Memorandum demonstrated that assurances lacking legal foundations or institutional oversight cannot deter a state prepared to pursue strategic objectives through force. The subsequent actions by the guarantor state severely undermined the logic underpinning nuclear disarmament as a path to security.³¹ This failure has prompted a wider reassessment among NNWSs, many of whom now question whether existing NSAs can genuinely protect their sovereignty or shield them from pressure by nuclear-armed powers. The resulting loss of confidence presents a structural challenge for the NPT, which depends on the credibility of security commitments extended to NNWSs.³²

Given these developments, there is a growing need to strengthen NSAs and transform them into more credible and enforceable instruments. Possible avenues include negotiating legally binding protocols while integrating assurances into recognised verification mechanisms through the International Atomic Energy Agency (IAEA) and Additional Protocols. Without such concrete structures, security assurances may be viewed as 'hollow words' rather than 'reliable

guarantees,' a perception that could incentivise states to reconsider disarmament or forego it entirely.³³

Ukraine's Denuclearisation and the Budapest Memorandum (1994)

Three successor states of the former Soviet Union, including Ukraine, Belarus and Kazakhstan, had legacy stockpiles – known to be the global third-most significant nuclear stockpiles. It had 1900 strategic nuclear warheads, 2650-4200 Tactical Nuclear Weapons (TNWs)³⁴ and 176 Intercontinental Ballistic Missiles (ICBMs)³⁵ stationed in Ukraine, along with 44 strategic bombers.³⁶ Ukraine lacked operational control of the nuclear weapons, and Russia remained responsible for this massive nuclear arsenal in Ukraine. There was another growing concern of nuclear proliferation that some states, as well as non-state actors, may acquire these weapons from the newly formed countries, including Ukraine.³⁷

Budapest Memorandum on Security Assurances

Budapest Memorandum on Security Assurances (1995) was signed between Ukraine and Moscow, Washington and London, and Northern Ireland, giving security assurances towards Ukraine against a) Ukrainian accession to the NPT and b) complete removal of strategic weapons from Ukrainian jurisdiction and giving access to Moscow. The agreement further underlined:-

- To respect Ukrainian independence and its current demarcation lines.
- To abstain from coercion/use of force targeted towards Ukrainian independence or land. No weapon would, in any instance, target the country or else in case of self-defence and under the pretext of international law.
- To abstain from putting financial compulsion or pressure for political gains.
- To seek UNSC immediate help if the country becomes subjected to aggression or nuclear-related coercion.
- To reiterate the obligation of non-use of nuclear weapons against states without nuclear arsenals or strategic stockpiles (as Parties to the NPT), except in eventualities where a nuclear-weapon state itself is attacked, its territory is under attack, or in cases of

extended deterrence involving allies, their forces, or allied states.³⁸

Transfer of Nuclear Weapons

Ukraine transferred all relevant strategic arsenal and related capabilities to Russia in 1996.³⁹ The US-led Cooperative Threat Reduction Programme (CTR) (1991) provided financial assistance meant for dismantling ICBMs, ICBM silos, heavy bombers and cruise missiles.⁴⁰ The programme now emphasises oversight and taking strict measures against the proliferation of WMD-related technology, with a particular focus on Beijing, Moscow, Tehran, Pyongyang and other non-state actors.⁴¹

Why Budapest Memorandum of Security Assurances Fail?

The above-mentioned commitments offered under the memorandum failed due to:

- **Non-binding Political Instrument:** The memorandum offers no legal commitment, not even a legally binding security treaty with legal consequences if not implemented accordingly.⁴²
- **No Collective Defence Mechanism:** The memorandum did not offer any military response mechanism or mutual defence pledge, akin to NATO Article 5. Signatories to the memorandum only offered political commitment to respect territorial integrity, along with the non-presence of physical military forces.⁴³
- **Ambiguity:** The text of the memorandum is made deliberately ambiguous to gather all concerned parties at one table and 'make it possible to sign such security assurances'. Such ambiguity also provides an edge to exit the memorandum without bearing any legal cost.⁴⁴
- **Assurances without 'Credibility':** There were no pre-arranged capabilities or clear rapid response plans linked to upholding the 'credibility factor' in the memorandum.⁴⁵
- **Domestic Politics:** The memorandum is said to have been signed in a more cooperative geopolitical environment during both the Clinton and Yeltsin administrations. Later, several administrations made shifts in their foreign policies, adding less or minimal focus on ensuring commitments towards the

memorandum on security assurances. As compared to the Biden and Trump administrations, President George W. Bush focused on prioritising foreign policy on the Global War on Terrorism (GWOt) and sidelined security issues of Eastern Europe. The Obama administration also sought better relations with Russia, which diluted focus on upholding the security assurances of the memorandum vis-à-vis Ukraine.⁴⁶

Main Events Related to Current Russia-Ukraine Conflict

In February-March 2014, Crimea and the city of Sevastopol came under the control of armed personnel aligned with Russia. Later, on 16 March 2014, a referendum was held to join Russia. UN General Assembly Resolution 68/262 came as a result and declared this referendum as 'fake' and Russia's takeover of Crimea as 'illegal'. The resolution also empowered Ukraine to reclaim its territorial integrity as per international law and fight for justice.⁴⁷ Further, Russia launched the 'SMO' in 2022 as a defensive step, as claimed by President Vladimir Putin, to protect people in Eastern Ukraine in response to NATO's expansion towards Russia's borders. Due to the failure of earlier diplomatic efforts, the political arrangements, such as the Minsk agreements, were not thoroughly implemented.⁴⁸

Key Developments

Drone Warfare

Drones, including loitering munitions and First-Person View (FPV) drones, were predominantly used in the Russia-Ukraine conflict. The use of drones was the main factor in causing 24% of civilian casualties.⁴⁹ In June 2025, Russia reportedly used over 400 drones and 44 missiles⁵⁰ in various parts of Ukraine. Unmanned Armed Vehicles (UAVs) are also deployed by Ukraine on a massive scale. FPVs used by Ukrainian forces have a very low cost, even lower than one artillery shell. FPVs were also used by Russian forces. Ukraine also used long-range drones to target Russian oil facilities over 700 km.⁵¹ In a nutshell, both armies have used FPV (5-25 km) and DJI Mavic (15 km). Russia used an estimated 3,700 Iranian Shahed 136 (1000 km), Orlan-10 (100 km) and Lancet-3 (40-70 km) drones against Ukraine.⁵² While Ukraine used Ukrjet UJ-22 (800 km), Ukrjet UJ-26 (800 km) and Bayraktar TB2 (300km) drones against Russia.⁵³

Attack on Nuclear Power Plants (NPP)

On 14 February 2025, Chornobyl NPP was hit by Russia. Only the protective shelter 'sarcophagus' was damaged with no leakage of any radiation.⁵⁴ Later on 11 September 2025, drone strikes and gunfire were conducted near Khmelnytskyi and Rivne NPPs. Both NPPs, however, remained under Ukrainian and IAEA supervision. Previously, Russia had also taken control of the Zaporizhzhia NPP.⁵⁵ More dangerously, Ukraine targeted Russian strategic infrastructure, including early-warning-over-the-horizon radar systems and long-range bomber bases. They have also conducted drone strikes aiming to hit radar installations and airfields linked with Russia's strategic aviation system.⁵⁶

Nuclear Signalling

Various Russian official statements have played a key role in signifying a potential nuclear context during the Russia-Ukraine conflict. Russia updated its official military doctrine in 2024 by underlining that Moscow can exercise its privilege to use its strategic arsenal even if threatened with conventional weapons against its sovereignty and territorial integrity to deter NATO conventional strikes.⁵⁷ President Putin threatened to use all weapons if Ukraine acquires a nuclear arsenal.⁵⁸ Later, he also 'hoped' that strategic weapons were unlikely to come into play in the above context.⁵⁹ Further, Russia has reinforced its deterrence posture through enhanced military integration with Belarus under the 'Union State' security architecture. In this regard, Moscow has conducted joint military exercises involving nuclear-capable delivery platforms and training simulations, in addition to the positioning of the Iskander-M ballistic missile system in Belarus. Russia states that these military measures are defensive and are aimed at counterbalancing NATO's forward deployment and missile defence infrastructure in Eastern Europe.⁶⁰ Later, Russian nuclear doctrine and declaratory policy underscore Belarus as an essential part of the country's extended deterrence posture in response to anticipated external threats to the Union State framework.⁶¹

Challenges for Global Non-Proliferation Regime

The following are the challenges mapped to the international non-proliferation architecture, resulting from Ukrainian denuclearisation and the failure of the Budapest Agreement to ensure stringent political commitments that build a case of dire need for legal NSA measures.

Erosion of Trust

The commitments mentioned under the Budapest Memorandum reflect fragile political guarantees committed by Washington, Moscow and London.⁶² Ukraine learnt a lesson that “sovereignty cannot reliably be safeguarded through symbolic or unenforceable assurances.”⁶³ This conflict is an eye-opener for states whether NSA/political assurances committed to NNWSs are genuine or not — until they are legalised.⁶⁴ The broader consequence is a profound credibility deficit in international security guarantees. NNWSs observing Ukraine’s fate must now question whether any prospective NSA or political guarantee will hold under crisis. Furthermore, the Memorandum’s failure undermined the normative foundation of the strategic stability non-proliferation regime — sending a dangerous message that “only force matters.”⁶⁵

In sum, the erosion of trust is systemic: when a signatory to a security assurance becomes the aggressor, the entire model of non-binding assurances—even when offered by powerful nuclear states—loses legitimacy. This has long-term implications for non-proliferation, disarmament and global security architecture, because the fundamental bargain (security for denuclearisation) no longer appears credible.

Motivating Factors Behind Preserving Nuclear Deterrent

The ongoing conflict between Russia and Ukraine offered an incentive to other states to retain or acquire nuclear weapons. As the conflict unfolded, the deterrence value of nuclear weapons was reaffirmed. Given the collapse of confidence in external guarantees, many states may now view nuclear weapons, or at least latent capability, as the only dependable deterrent against existential threats or aggression. The Ukraine experience demonstrates what happens when a NNWS depends on external assurances: those assurances can be disregarded when geopolitical interests change, and the state loses its ultimate insurance.

In effect, the failure of the Budapest Memorandum may serve as a cautionary tale for other states: disarmament or non-proliferation commitments under external assurances are risky unless backed by enforceable treaties, credible deterrent capability or binding alliances. In insecure or asymmetric regional contexts, the strategic logic of hedging, latency or outright acquisition becomes much stronger.⁶⁶

Lessons mentioned by Ukraine

Ukraine's public condemnation of the 1994 agreement—calling it a “big mistake”—illustrates the depth of disillusionment with unenforceable security guarantees.⁶⁷

At international fora (for example, preparatory discussions under the NPT), Ukraine's example serves as a warning signal to other NNWSs: relinquishing nuclear capability in exchange for political guarantees entails real risk if guarantees are not legal, enforced and backed by credible deterrence. Indeed, many NNWSs may now interpret Ukraine's fate as validation for hedging, latency, or even overt nuclear pursuits, particularly where regional rivalries, existential threats, or aggressive neighbours exist.⁶⁸

The wider implication is that the global non-proliferation regimes' normative leverage—their ability to persuade states to refrain from becoming nuclear states and, in return, provide political guarantees—is severely weakened. Furthermore, it reiterated this assertion that the collapse of the Budapest security architecture casts doubts on the credibility of similar non-proliferation arrangements worldwide.

Additionally, a significant lesson learned from the Russia-Ukraine conflict may encourage more states to favour full legal, treaty-based security guarantees, or to seek stronger deterrent means rather than risk being left vulnerable. In the absence of such legal guarantees, states may increasingly view the decision to remain non-nuclear as strategically unsound.

Ukraine Statement Highlighting Concerns on “Security Assurances”

Ukraine highlights, at the 2026 NPT RevCon, that political assurances can be downplayed by aggressor states, as reflected in the case of Russia.⁶⁹ Therefore, countries like Iran and North Korea feel validated in their ‘nuclear pursuit’. However, Israeli drone attacks on Iranian scientific and political leadership⁷⁰ also support this argument that full nuclear capability is the sole guarantor of national security.

The Budapest Memorandum was a weak instrument, lacking the status of a treaty and a robust formula for collective security. Other states, like Iran or the

DPRK, may now feel justified in their nuclear pursuits, reluctant to make concessions under current circumstances. States that have refrained from developing nuclear weapons might reconsider their stance due to a growing sense of vulnerability to attack or blackmail.⁷¹ Ukraine's historic decision to renounce the world's third-largest nuclear arsenal was backed up by international security guarantees, enshrined in the Budapest Memorandum. Brutal violation of the Budapest Memorandum by the nuclear-weapon state has damaged the whole UN-based security system. These unlawful actions, coupled with irresponsible, dangerous and escalatory nuclear rhetoric and repeated threats of nuclear weapon use in the context of its illegal war against Ukraine, undermine the entire non-proliferation regime. The sad experience of our country has shown the whole world that disarmament without reliable security guarantees can be dangerous. That is why the achievement of real collective security assurances remains a key task of our agenda...Ukraine will continue to enhance its own defence capabilities and work towards establishing effective, legally binding security guarantees for non-nuclear-weapon states.⁷²

Questions on Extended Deterrence

The unravelling of the Budapest Memorandum also cast doubt on the reliability of extended deterrence—the idea that a nuclear-armed state can credibly guarantee the security of an allied NNWS. When great-power politics shift, signalling fluctuates, or political will changes, such guarantees may cease to be credible.

The Ukraine case has already reignited debates in many regions (East Asia, Middle East, Eastern Europe) where non-nuclear allies rely on external nuclear umbrellas. For example, countries such as Japan, South Korea, or some NATO allies may reconsider their security reliance on extended deterrence, given that political commitments proved hollow in Ukraine's case.⁷³ This trend undermines not only non-proliferation but also alliance trust and stability.

Challenges to NSA Debate

A genuinely effective framework for NSAs cannot emerge from an international order in which highly developed states retain a disproportionate stranglehold over the terms of negotiation. The prevailing architecture of global security governance has long been shaped by the strategic preferences of a narrow group of powerful states—most notably the US and its allies—whose willingness to offer NSA has historically been contingent upon political convenience rather

than principled commitment. This selective engagement reflects not a genuine investment in universal security, but rather a calculated posture that preserves their own strategic flexibility while offering politically palatable, yet legally hollow, assurances to NNWSs.

At its core, the problem with existing security assurances is that they remain trapped in the realm of political rhetoric rather than legal obligation, primarily due to a lack of political will among NPT nuclear-armed states to agree on some common ground and then move forward with a plan to minimise the gap and trust among states with no nuclear arsenal and themselves. Washington and its allies in the West and Europe have not agreed to legal/formal NSA arrangements. Whereas China agrees to legal NSA arrangements. However, the US and many other nuclear-armed states still require ratification of commitments relevant to NWFZs. Such issues create persistent hurdles for regional and global nuclear disarmament.⁷⁴

What is needed is a clear evolution—from vague commitments to well-defined, enforceable measures that states can actually rely upon. In this regard, Pakistan has long championed this framework. As far back as 1979, Pakistan tabled a draft proposal at the CD (CD/10), in addition to three working papers between 1979 and 1981 (CD/25, CD/120, and CD/161). Later, in 2023, Pakistan again submitted a renewed working paper (CD/2317), reaffirming its commitment to breaking the longstanding deadlock and creating the conditions for a productive negotiating environment.⁷⁵ These efforts reflect not merely a national interest, but a principled stand representing all NNWSs seeking credible protection.

A further concern that deserves serious attention is the phenomenon of nuclear hedging. When assurances are weak or non-binding, non-nuclear states are quietly incentivised to keep their options open—maintaining latent nuclear capabilities as an insurance policy against an uncertain security environment. Legally binding NSAs would directly address this dynamic by removing the underlying anxiety that drives hedging behaviour in the first place, thereby contributing meaningfully to long-term strategic stability.

At the same time, any new framework must be sophisticated enough to account for the world's diverse and often volatile regional security landscapes. A one-size-fits-all approach risks being counterproductive—blanket assurances that ignore the specific threat perceptions and deterrence calculations of NWSs

operating in complex environments may generate more friction than trust. A balanced approach, sensitive to regional dynamics while upholding universal principles, is therefore not a compromise—it is a prerequisite for a durable agreement.

Building on this, regular and periodic reporting mechanisms would contribute toward strengthening the confidence of NNWSs, particularly those situated in high-tension regions such as West Asia. Transparency breeds trust, while trust is the foundation upon which any meaningful arms control architecture must rest.

Such structural imbalance is further compounded by the rapid integration of automatic data-driven tools in strategic systems. Advancing Artificial Intelligence (AI) into nuclear command, control, and communication architectures—including delegative and autonomous decision-making systems—introduces profound risks of miscalculation, false-flag scenarios, and algorithmic escalation that transcend traditional deterrence frameworks. In an environment where machine-assisted decision-making may compress the window for human judgment, the absence of universally binding NSA commitments becomes not merely a political shortcoming, but an existential vulnerability.

It is on these grounds that a universal agreement on NSAs is not simply desirable—it is indispensable. The close geographical proximity of many regional states, particularly in South and West Asia, means that consequences of strategic miscalculation or coercion would be immediate, catastrophic, and shared. The political voices of these states—long marginalised in elite-driven non-proliferation negotiations—must therefore be accorded structural weight in any meaningful NSA framework. A truly equitable and enforceable regime can only be built upon the foundation of inclusive multilateralism, where equal voices should be heard, including those from the Global South.

Finally, the international community cannot afford to keep repeating the same mistakes. Past NSA frameworks and denuclearisation processes carry hard-won lessons that must be systematically integrated into global arms control treaties, nuclear doctrines, and security dialogues going forward. Advocating for legally binding, enforceable assurances is not simply a matter of diplomatic principle—it is one of the most practical steps available to strengthen non-proliferation norms and deter unilateral aggression on the world stage.

Conclusion

The Ukraine case underscores the limitations of relying solely on political assurances to secure national sovereignty. NSAs become increasingly fragile, particularly when the state security or core national interests of the state extending NSAs are believed to be threatened. The Budapest Memorandum, intended to protect Ukraine in exchange for denuclearisation, revealed a critical credibility gap in international security guarantees. This experience demonstrates that NNWSs cannot depend on unenforceable commitments, as shifting geopolitical interests can render such assurances ineffective. Consequently, the Ukraine example weakens assurance in the global nuclear governance, encourages strategic hedging or threshold status, and highlights that acquisition of strategic weapons remains the most reliable means for ensuring strategic autonomy and security, thereby underscoring the need for increased reliance on nuclear deterrence. Furthermore, it highlights how great power rivalry and evolving alliances can intensify insecurity, emphasising the necessity for legal security framework rather than symbolic pledges.

Pakistan advocates legally binding, multilateral security assurances for NNWSs. The approach emphasises equitable guarantees, reduces incentives for nuclear hedging, and strengthens both regional and global strategic stability. Lessons from Ukraine indicate that future non-proliferation and arms control initiatives must integrate regional security dynamics, confidence-building measures, and enforceable obligations, while learning from prior denuclearisation failures. Legally grounded, multilateral, and enforceable NSAs are essential to restore credibility, maintain deterrence, and mitigate proliferation risks in today's volatile global strategic landscape.

Annex A**Official Statements / Unilateral Declarations of Major Countries****US**

“The United States has long maintained a negative security assurance as part of its nuclear doctrine. The United States will not use or threaten to use nuclear weapons against non-nuclear weapon states that are party to the NPT and in compliance with their nuclear non-proliferation obligations... we also offer legally binding negative security assurances in connection with the Protocols to the nuclear-weapon-free zones... regional nuclear weapon free zones, established on the basis of arrangements freely arrived at among all States of the region concerned, provide the most expeditious and practical way to extend legally binding negative security assurances.”⁷⁶ The 2022 U.S. Nuclear Posture Review (NPR) also reaffirmed the similar policy line. However, it eliminated one aspect highlighted in 2018 NPR that stated that the U.S. reserves the right to breach its pledge if its forces would be attacked by the evolution and proliferation of non-nuclear strategic attack technologies, adding cyber as well.⁷⁷

UK

“The UK will not use, or threaten to use, nuclear weapons against any non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. The UK continues to support negative security assurances and is open to discussions on an NSA treaty in an appropriate forum. The quickest and most effective way to get legally binding negative security assurances is through Nuclear-Weapon-Free Zones.”⁷⁸ In the 2015 Strategic Defence and Security Review document, the United Kingdom said it will not use, or threaten to use, nuclear weapons against non-nuclear weapon states that are parties to the NPT and in compliance with the treaty’s obligations. The United Kingdom appears to leave open the option to use nuclear weapons in response to WMD threats, such as chemical or biological attacks, if such threats are imminent.⁷⁹

France

“The negative security assurances provided by France to all non-nuclear-weapon States Parties to the NPT comply with the non-proliferation obligations.

France is a party to most of the protocols of the treaties establishing NWFZs, supports the establishment of a zone free of weapons of mass destruction in the Middle East, and reiterates its willingness to engage with ASEAN countries towards the signing of the Protocol to the Bangkok Treaty.”⁸⁰

Russia

“We support the non-nuclear-weapon States parties to the NPT in seeking legally binding NSAs... It is important that these States should neither engage in nor facilitate aggression against nuclear-weapon States and/or their allies and should comply with their nuclear non-proliferation obligations, which include the renunciation of having nuclear weapons under control in the framework of military alliances with nuclear-weapon States... The main issues to be discussed should include possible assurances to those non-nuclear-weapon States that make part of alliances with nuclear powers or have concluded bilateral security agreements with them (the so-called 'nuclear umbrella'). It is obvious that the special status/situation of such non-nuclear-weapon States excludes granting them any universal security assurances applicable to other States.”⁸¹ However, Russian updated its official military doctrine in 2024 by underlining that Russia reserves the right to use nuclear weapons even if threatens with conventional weapons on its sovereignty and territorial integrity.⁸²

China

“CD should commence substantive work at the earliest opportunity on reaching an international legal instrument that ensures no use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones...Nuclear-weapon States should reduce the role of nuclear weapons in their national security policies, abandon nuclear deterrence policies based on the first-use of nuclear weapons, refrain from formulating nuclear deterrence policies against other countries, refrain from designating any country as a nuclear strike target, and refrain from targeting nuclear weapons under their control at other countries...nuclear-weapon States should abolish “nuclear sharing” and “extended deterrence” arrangements, withdraw all nuclear weapons deployed overseas back to their home countries, and cease the playing with fire behaviour of forward deployment of strategic forces... China has signed and ratified the relevant protocols of all nuclear-weapon-free zone treaties in Latin America and the Caribbean, the South Pacific, Africa, and Central Asia, respects Mongolia's nuclear-weapon-free status, and actively supports the establishment a Middle East

Zone free of nuclear weapons and other weapons of mass destruction and is willing to be the first to sign the protocol of the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone.”⁸³

India

India believes that the issue of legally binding NSAs would not benefit from being confined to any existing treaty framework or those under the construct of Nuclear-Weapon-Free Zones. Existing treaties are limited, covering only their signatory States, missing broader global concerns... The issue of NSAs therefore demands a universal and non-discriminatory approach. Legally binding assurances will not only contribute to mitigating the sense of insecurity among nonnuclear weapon states, thereby strengthening the non-proliferation regime, but also to reducing nuclear danger. India maintains that the CD, given its mandate and membership, remains the most appropriate forum for negotiating a legally binding instrument on NSAs.⁸⁴ However, the 2003 Indian nuclear doctrine also maintained that posture of ‘No First Use’: nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere.⁸⁵ India also reasserted that no change in Indian nuclear policy with regards to potential nuclear retaliation if its forces will be attacked either on its soil or elsewhere around the world.⁸⁶

Pakistan

Pakistan's position on this issue is long-standing and principled. As a non-nuclear-weapon state from the late 1960s, we sought legally binding assurances against the use or threat of use of nuclear weapons, and in 1979 we tabled at this Conference a draft "International Convention to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons," contained in document CD/10. The failure of the international community to provide such assurances - at a time when nuclear weapons had already been introduced into our region - left Pakistan with no choice but to develop its own deterrent; yet even after acquiring that capability, our advocacy for NSAs has never wavered. We have held out a voluntary pledge not to use or threaten to use nuclear weapons against any non-nuclear-weapon State, and we stand ready to transform that pledge into a multilaterally negotiated, legally binding instrument. Our continued commitment is reflected in the resolution on NSAs that Pakistan has tabled annually at the UN General Assembly since 1990 - most recently adopted without a single negative vote. In 2023, Pakistan submitted a detailed working paper on a legally binding

instrument on NSAs, contained in document CD/2317. That paper set out our considered views on the core elements of such an instrument - by whom the assurances should be given, to whom they should be extended, and how they should be codified - and it remains our reference contribution to this debate. We highlight it once again to the attention of the membership.⁸⁷

Japan, Germany and South Korea

The joint working paper ... mentioned that 'the right to self-defence of the attacked State must under no circumstances be used as a pretext for not abiding by existing NSAs. CD to begin discussions of effective international arrangements on NSAs, and all nuclear-weapon states to commit to fully respect their existing commitments with regard to security assurances. Nuclear-weapon States should specify and clarify, to the fullest extent possible, the potential implications of new and emerging technologies for existing negative security assurances.'⁸⁸

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