Statement by Mr. Masatoshi Shimbo
Deputy Director-General
Disarmament, Non-Proliferation and Science Department
Ministry of Foreign Affairs of Japan

at
the First Session of the Preparatory Committee
for the 2010 NPT Review Conference

Cluster III Special Time

Vienna, 11 May 2007

Check Against Delivery
Mr. Chairman,

Japan is of the view that the issue of withdrawal from the NPT is highly important. If the withdrawal of a State from the NPT is disregarded after it has clandestinely acquired the capability to produce nuclear weapons, in addition to causing regional and international security concerns, it could seriously affect the universality of the Treaty and the confidence in the international nuclear non-proliferation regime based on the NPT.

The issue of withdrawal requires an expeditious response, and amending the Treaty is not a realistic option. Japan believes that the best approach to deterring withdrawal is to raise the costs associated with such actions, alongside efforts to promote the peaceful use of nuclear energy, whilst ensuring nuclear non-proliferation. The States Party to the NPT should promptly agree to concrete measures for raising the costs of withdrawal, thereby developing a mechanism for handling this issue appropriately.

Mr. Chairman,

The announcement of withdrawal from the NPT by the DPRK in January 2003 triggered the active discussions from the Second session of the Preparatory Committee for the 2005 NPT Review Conference in the same year. Discussions subsequently continued at the Third session of the Preparatory Committee and in the Subsidiary Body of Main Committee III at the Review Conference. The subject of withdrawal was a good instance of how discussions can be deepened in the NPT review process through the submission of concrete proposals from the States Parties and the active exchange of views. Although it was unfortunate that the 2005 Review Conference failed to agree on a substantive document, Japan highly valued the constructive and useful discussions achieved under the Chairman of the Subsidiary Body of Main Committee III, Ambassador Labbé of Chile. We believe that the Chairman's proposal, which summarized the results of these discussions, would serve as a useful ground work for future deliberations.

Mr. Chairman,

Japan is encouraged that as an outcome of the discussions to date concerning measures to prevent withdrawal that might lead to development of nuclear weapons, the importance of the following points have been shared by the States Parties. Each of them includes elements of our proposal submitted in 2005, and even though they do not reflect our position on specific cases, I would like to emphasize the importance of those measures for raising the costs of withdrawal.

Firstly, a State that has withdrawn from the NPT remains responsible for any violations it committed while a Party to the Treaty. This is also self-evident from the viewpoint of international law.

Secondly, a State that has withdrawn from the Treaty, is not allowed to use nuclear material, facilities and technologies for any other purpose than peaceful one that it has
imported from another State Party under the pretext of peaceful use while a Party to the Treaty.

Thirdly, to ensure the second point, it is important that any supplier country of nuclear material, facilities and technologies, makes the necessary arrangements so that nuclear material, facilities and technologies transferred prior to the State’s withdrawal, from the NPT have to be retrieved from the withdrawing Party or neutralized. Furthermore, the possibility of maintaining the application of IAEA safeguards after withdrawal must be examined.

Additionally, discussion on the following points that took place from the viewpoint of avoiding withdrawal need to be further deepened in future.

Firstly, discussions were carried out on the need to elaborate procedural steps of withdrawal, such as a “notification of withdrawal”. In this connection, there was a view that such elaboration must not constitute a manual or roadmap for withdrawal. Japan believes the measures to be taken by the States Parties must serve as an effective deterrence to withdrawal.

Secondly, discussions were carried out on a consultation mechanism among the States Parties to seek a reconsideration of the decision by a State Party expressing its intention to withdraw from the Treaty. We believe there is shared recognition of the importance of such consultations, but there are a variety of ideas with respect to concrete measures, such as consultations by the depository states, convening extraordinary meetings of the States Parties and regional initiatives. Japan in this regard holds the view that a flexible and case-specific approach is suitable.

Thirdly, there were also valuable discussions on the role of the United Nations Security Council, with respect to the issue of withdrawal. As a concrete proposal, it was put forward that when any State gives notice of withdrawal, the UN Security Council should convene automatically and immediately; or inspection to verify the withdrawing State’s compliance with the Treaty be implemented by way of a UN Security Council decision. Since withdrawal is an issue that can deeply affect international peace and security in general, we believe there is a shared view among the States Parties that involvement of the UN Security Council is vital. We need to be mindful, however, that the feasibility of such a proposal depends largely on the intentions of the UN Security Council.

Mr. Chairman,

The issue of withdrawal is one of the most important matters of the current review process. Japan is convinced that if we agree to concrete measures it would significantly contribute to the strengthening of confidence in the NPT regime. Based on the results so far achieved, Japan will participate proactively in the discussions to forge a meaningful agreement at the 2010 Review Conference.

Thank you.