Statement by H.E. Mr. Sumio Tarui
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To the Conference on Disarmament

Third Session of the Preparatory Committee
for the 2010 Review Conference of the Parties to the Treaty
On the Non-Proliferation of Nuclear Weapons (NPT)

- Cluster III -
Other Provisions of the Treaty,
Including Article X

New York, 11 May 2009
Mr. Chairman,

The issue of withdrawal from the Treaty is one of the most important and pressing problems facing the NPT regime and Japan attaches immense importance to it. Although withdrawal from the NPT is a legitimate right recognized for the States Parties, if we disregard a State Party that does so after it has acquired clandestinely a nuclear weapons production capability, this could seriously affect the universality of the NPT and the confidence in the international nuclear non-proliferation regime, which is based on the NPT, as well as provoke regional and international security concerns.

At the 2005 NPT Review Conference, this issue was vigorously discussed. Based on those discussions, States Parties submitted specific proposals and engaged in an energetic exchange of views in the previous Preparatory Committees, which has further deepened the deliberations on withdrawal. Since the 2005 Review Conference, including last year, the Government of Japan has also been making specific proposals in its working papers. Our aim is to achieve at next year’s Review Conference an outcome that contributes to the strengthening of the NPT regime based on the past deliberations of this issue.

From this perspective, Japan believes that it is important to affirm at least the following three points at next year’s conference.

Firstly, if states that have withdrawn from the NPT have committed any violations whilst party to the Treaty, they remain responsible for them even after withdrawal. This is a self-evident principle acknowledged in international law.

Secondly, the utilization by a state that has withdrawn from the NPT of nuclear materials and facilities imported while it was party to the Treaty from another State Party under the pretext of peaceful uses, is unacceptable for any other purpose than peaceful. To that end, the possibility of maintaining IAEA safeguards even after withdrawal must be examined. Additionally, Japan regards it as vitally important for any supplier country of nuclear material and facilities to make the necessary arrangements for the return or neutralization of such items that were transferred to a State Party prior to its withdrawal. Some of these arrangements are already being implemented internationally in
bilateral nuclear cooperation, and are not completely new measures.

Thirdly, withdrawal from the NPT, especially by a State Party in violation of the Treaty, is an issue deeply related to the maintenance of international peace and security. Japan thinks that it is important for the Security Council to fulfill appropriately its duty in accordance with the Charter of the United Nations when a notification of withdrawal has been received. In regards to this, a concrete proposal has been put forward that the UN Security Council convene automatically and immediately when any state gives notice of withdrawal, and verification of the withdrawing state’s compliance with the Treaty be enforced by way of a UN Security Council decision. We need to be mindful, however, that a great deal depends on the intentions of the UN Security Council in relation to the feasibility of such a proposal.

Japan believes that it is possible to affirm these three points at next year’s NPT Review Conference without leading to the creation of specially new hurdles to NPT withdrawal.

As for a consultation mechanism to urge a state announcing its withdrawal from the Treaty to reconsider its announcement, a number of ideas related to concrete measures have been presented in the discussions to date, such as consultations by the depository states, convening extraordinary meetings of the States Parties and regional initiatives. Japan, in this regard, considers that a flexible approach capable of responding appropriately on a case-by-case basis is suitable.

Mr. Chairman,

As our working paper from last year mentions, we would like to encourage the States Parties to examine the withdrawal issue from a broader perspective that goes beyond the points that I have just covered. We believe reaffirming and reinforcing the benefits of participating in the NPT regime is important to prevent withdrawal from the Treaty.

I thank you Mr. Chairman.