U.S. Statement on Cluster 3 Specific issue - Peaceful Uses of Nuclear Energy and other Provisions of the Treaty

Second Session of the Preparatory Committee

2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

May 1, 2013
Thank you, Mr. Chairman,

The United States welcomes this opportunity to address the important NPT issues of nuclear safety and security as well efforts to discourage potential abuse of the Treaty’s right to withdraw.

Mr. Chairman,

The March 2011 Fukushima accident demonstrated the importance of enhancing international cooperation among governments, industry, and multilateral organizations to ensure the safe and responsible use of nuclear power. Although nuclear safety is the responsibility of each sovereign nation, promoting nuclear safety is in our collective interest. To that end, we urge all countries with nuclear power reactors to conduct safety reviews and ensure that their own reactors meet the highest, most up-to-date standards of safety.

In helping to lead by example, the U.S. Nuclear Regulatory Commission (NRC) completed a comprehensive safety review of all operating U.S. nuclear power plants and regulatory requirements. The NRC continues to evaluate and act on the lessons learned to ensure that appropriate safety enhancements are implemented at U.S. nuclear power plants. The United States is also Party to the Nuclear Safety Convention as well as several other important international safety and liability conventions, which we urge all states – and in particular those operating nuclear power plants – to adhere to as soon as possible.

The United States also fully supports the IAEA’s efforts to advance nuclear safety worldwide, and has made regular extrabudgetary contributions to fund IAEA programs in this area. The United States remains an extremely strong supporter of the IAEA Action Plan on Nuclear Safety, and welcomes efforts by the IAEA and Member States to promote its implementation. We would also like to thank the IAEA and Japan for organizing and hosting the December 2012 Fukushima Ministerial Conference on Nuclear Safety, and to reaffirm our commitment to continuing to build on progress that has been made and to work together to implement lessons learned since the Fukushima accident.

Mr. Chairman,

Nuclear security also plays an indispensable role in preventing nuclear terrorism and advancing our nonproliferation and peaceful uses goals. Since President Obama first convened a Nuclear Security Summit in Washington in April 2010, significant progress has been made. Participants at the Second Nuclear Security Summit held last year in Seoul agreed to build on the objectives and measures set out in the 2010 Washington communiqué. Participants also reaffirmed the necessity of working together to address the serious threat of nuclear terrorism and highlighting the essential role of the IAEA in supporting the efforts of Member States to effectively protect their nuclear materials.

The Summits are reinforcing key nuclear security principles, and the United States looks forward to working with the Netherlands and others to continue advancing a common approach
to nuclear security at the Nuclear Security Summit to be held in The Hague in 2014. The IAEA’s International Conference on Nuclear Security this July will provide another important opportunity to make progress in this important area. In parallel, we will also continue our strong cooperation with others through the Global Initiative to Combat Nuclear Terrorism, the Global Partnership, and efforts to assist states with implementing their obligations under UN Security Council Resolution 1540. All these activities directly contribute to fulfillment of nuclear security measures highlighted in the 2010 NPT Action Plan.

Mr. Chairman,

At the 2010 Review Conference, Parties discussed the issue of withdrawal from the Treaty, in particular, how to respond in the event a State violates its Treaty obligations and then announces that it intends to withdraw from the NPT, pursuant to Article X.1. This could present a critical challenge to the Treaty. My delegation joins with others in believing that such instances of withdrawal should be discouraged and its adverse consequences addressed by NPT Parties. While some progress was made on the issue at the 2010 Review Conference, we encourage a fuller discussion in the current NPT review cycle.

The United States would like to emphasize – again – that we do not seek to amend the Treaty to revise Article X.1, or to undermine the sovereign right of each state to determine what jeopardizes its “supreme interests,” the criterion for withdrawal specified in the Treaty.

With these Article X.1 rights come responsibilities. If a Party were to withdraw from the Treaty, it would be an abuse of that right if the state were to then develop nuclear weapons using nuclear material, equipment, or technology that was supplied for peaceful purposes on the basis of that state’s NPT membership. It is of particular concern that the safeguards agreement required by NPT Article III would normally terminate upon the withdrawal of a Party from the Treaty. Subsequently, unless other arrangements are made, or other safeguards agreements already exist, the Party’s nuclear activities would no longer be subject to international verification.

Abuse of Article X.1, including through withdrawal by a Party while in violation of its NPT obligations, would undermine the integrity of the Treaty, in which all Parties have a clear interest, and may threaten the maintenance of international peace and security. As reflected in Part 1 of the 2010 Final Document, many Parties have underscored that, under international law, a withdrawing Party is still responsible for violations of the Treaty committed prior to its withdrawal. Even if withdrawal is carried out in accordance with the provisions of the Treaty, it would not affect any other existing legal or political commitments between the withdrawing State and any other Party, including those related to alternative IAEA safeguards arrangements.

Mr. Chairman,

It is clear that NPT Parties could benefit from further discussion of measures that could be taken to discourage abuse of Article X.1. A number of ideas have been proposed, to include actions by the NPT Parties, the UN Security Council, and the IAEA, both prior to and in the
wake of a notice of withdrawal. These proposals include ideas regarding consultations, verification, and supplier state actions and are contained in working papers or national statements submitted by Russia and Ukraine, the EU, and many other Parties, including the United States. We look forward to further developing these proposals in order to elaborate recommendations for the 2015 NPT Review Conference.

Thank you, Mr. Chairman