STATEMENT
by the Delegation of the Russian Federation
at the Third Session of the Preparatory Committee
for the 2010 Review Conference of the Parties
to the Treaty on the Non-Proliferation of Nuclear Weapons

Article X of the NPT – withdrawal from the Treaty

New York, 6 May 2014
Mr. Chairman,

For many years, Russia has been pointing out at the need for greater responsibility of States for a decision on withdrawal from the NPT under its Article X.

Just as many other NPT States Parties, we advocate the need to have a fruitful exchange of views and elaborate agreed recommendations with regard to the procedures and consequences of possible withdrawal from the Treaty in the course of the current review process. We believe that would make a tangible and substantial contribution to the strengthening of the non-proliferation regime.

In this regard, we welcome the efforts of the NPT States Parties to elaborate specific proposals for examination at the 2015 NPT Review Conference. We intend to thoroughly study, in particular, the working document on the consequences of withdrawal from the NPT drafted by the Non-Proliferation and Disarmament Initiative (NPDI). Together with a number of other countries Russia is elaborating a working document on the issues related to withdrawal from the Treaty. We hope that all the ideas in this area will lay the groundwork for a consensus on this issue at the 2015 NPT Review Conference.

Our principled position is that any decisions on the matter should neither lead to revision of Article X nor to the opening of the text of the Treaty for revision, nor undermine the fundamental principle envisaging a sovereign right of States to withdraw from international treaties.

The NPT does not have explicit provisions specifying the potential consequences of withdrawal from the Treaty. Article X.1, which covers “the right to withdraw” from the Treaty, establishes only the conditions for withdrawal and content requirements for appropriate notification. NPT Parties could consider how best to make use of the intervening three-month notice period prior to the effective date of withdrawal.

We suggest that the following understanding of the obligations contained in Article X should be included in the recommendations for the 2015 Review Conference:
- A “notice of withdrawal” has to be given in writing, the usual format being a note verbale to the governments of all States Parties to the Treaty and to the President of the Security Council;

- This note verbale has to be given three months in advance of an intended withdrawal and shall include the statement of the required extraordinary events the country regards as having jeopardized its supreme interests; the statement should be as detailed and specific as possible;

- The three-month period starts on the date when the note verbale to the governments of all States Parties to the Treaty and the President of the Security Council has been delivered. Any other declarations, public statements or letters of intention are in no way valid to shorten this period.

Mr. Chairman,

It would be advisable that in case a notice of withdrawal is received the Depositaries of the Treaty should hold consultations with the other parties concerned to assess the effects of such withdrawal, taking into consideration the IAEA’s conclusion on the notifying Party’s observance of its obligations under the Safeguards Agreement during its participation in the Treaty.

We understand that in accordance with international law, only the States that are parties to the NPT are bound by the Treaty, while a non-party or a State which ceased to be its party is not bound or ceases to be bound by the obligations arising from it. At the same time we believe it would be advisable to include in the outcome documents of the review process a recommendation that all nuclear material, equipment, technologies and installations of the withdrawing State intended for peaceful purposes should be further used for peaceful purposes and remain safeguarded.

As for materials, equipment and technologies imported before withdrawal from the Treaty, we believe that it should also be recommended that those be returned to the
supplying State if the supplying State so requests. If no such request is made or it turns out impossible for technical reasons to return nuclear installations, equipment and material, those should remain under lifetime IAEA safeguards. Moreover, the NPT States Parties should consider adopting a policy of refraining from further supplies of nuclear materials or equipment to the State Party withdrawing from the Treaty.

Mr. Chairman,

We believe that greater responsibility of States for decisions to withdraw from the Treaty under its Article X is one of the possible ways to strengthen the NPT. I would like to reiterate that this could be achieved if States Parties to the Treaty agreed on specific recommendations to the 2015 NPT Conference with regard to political measures and procedures to be applied in case a State Party decides to withdraw from the Treaty.

Thank you for your attention.