

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

NPT/CONF.2010/PC.II/WP.11
28 April 2008

Original: ENGLISH

Second session
Geneva, 28 April-9 May 2008

**PERSPECTIVES ON ISSUES RELATED TO WITHDRAWAL FROM THE
TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS:
BOLSTERING THE BENEFITS OF THE NPT REGIME TO PREVENT
WITHDRAWAL**

Working paper submitted by Japan

Introduction

1. The NPT regime has been facing many difficult challenges, among which the issue of withdrawal needs to be addressed as a matter of utmost importance. At the subsidiary body of Main Committee III of the 2005 Review Conference, States Parties discussed this issue and achieved a convergence of views. Based on the useful discussions at the 2005 Review Conference, the first session of the Preparatory Committee for the 2010 Review Conference also witnessed constructive discussions. Building upon the results of these deliberations, Japan believes that the States Parties should seek to reach an agreement on concrete measures to address the issue of withdrawal.

Summary of Discussions at the First Session of the Preparatory Committee

2. Japan attaches great importance to the issue of withdrawal from the NPT. At the first session of the Preparatory Committee for the 2010 Review Conference, Japan submitted a working paper (NPT/CONF.2010/PC.I/WP.2) which clarifies Japan's position on this issue in paragraphs 79 to 83. Australia, Canada, the European Union, and the United States of America also presented working papers on withdrawal to the same session. The discussions of the States Parties at the first session were summarized in the Chairman's working paper (NPT/CONF.2010/PC.I/WP.78) as follows:

“46. States parties were reminded about discussions held at the 2005 Review Conference on the need for disincentives on and response to withdrawal from the Treaty. While reaffirming the sovereign right of each State party to withdraw from the NPT as provided for in article X (1), it was noted that article X envisaged that withdrawal would be exercised only in the face of extraordinary events. Importance was attached to the need for any withdrawal to be made in a manner consistent with the purposes and objectives of the Treaty and that its consequences would be subject to international scrutiny.

47. Views were expressed that a State that withdraws from the NPT should not be able to benefit from nuclear materials, equipment and technology acquired while party to the Treaty. It was emphasized that, under international law, a withdrawing party was liable for breaches of the Treaty that occurred prior to the withdrawal. It was also stressed that nuclear material, equipment and technology acquired by States for peaceful purposes prior to the withdrawal must remain subject to peaceful uses under IAEA safeguards.

48. The need was noted for States parties to undertake consultations and conduct every diplomatic effort, including on a regional basis, to encourage a party to reconsider its sovereign position to withdraw. Given the particular circumstances envisaged in Article X

for the exercise of the right to withdraw, the role of the Security Council as provided for in that article was also underlined.”

3. In Japan’s view, the above summary can serve as a basis for further discussions on this issue among States Parties. All the elements reflected in the discussions are aimed at deterring withdrawal by upholding a set of relevant principles of the international law, by clarifying the requirements stipulated in Article X of the Treaty, and by stressing the importance of appropriate international responses, including the role of the Security Council. In this regard, in addition to the elements reflected in paragraph 47 of the Chairman’s working paper, Japan reiterates its belief that a withdrawing Party should return or neutralize any nuclear material, facilities, equipment, etc., transferred prior to withdrawal through necessary prior arrangements with the supplier country.

Bolstering the Benefits of the NPT Regime to Prevent Withdrawal

4. Japan would like to present a broader perspective for dealing with the issue of withdrawal. Japan believes that reconfirming and bolstering benefits of the NPT are crucial to prevent withdrawal.

5. States Parties adhere to the NPT because it contributes to maintaining and strengthening international peace and security, serving as a cornerstone of the global non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament. It is important that States Parties steadfastly enjoy this benefit of the Treaty. States Parties can and should protect such a benefit through various efforts to maintain and strengthen the effectiveness of the NPT regime.

6. In addition, the “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” (NPT/CONF.1995/32 (Part I), Annex) provides in its paragraph 16 that “In all

activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty, taking the needs of developing countries particularly into account.” This is considered as another tangible benefit of the Treaty for non-nuclear-weapon states. States Parties should reconfirm the principle of peaceful uses of nuclear energy.

7. It is also important to consider and discuss security assurances for the NPT non-nuclear weapon States. The nuclear-weapon States should reaffirm Security Council resolution 984 (1995) as well as their own relevant declarations. Japan believes that ensuring the effectiveness of the existing nuclear-weapon-free zones, including accelerating their entry-into-force, is a practical and realistic step to strengthening negative security assurances.

8. Nuclear disarmament should also be addressed. It should be recalled that the promotion of nuclear disarmament is an integral part of the “Principles and Objectives”, which was adopted by consensus in 1995 when all the non-nuclear-weapon States, which constitute an overwhelming majority of the NPT States Parties, decided to renounce the possession of nuclear weapons indefinitely. It is necessary for States Parties, especially nuclear-weapon States, to faithfully make progress in implementing the nuclear disarmament measures agreed to at the 2000 Review Conference, in the process of working towards the elimination of nuclear weapons. The implementation of such measures is critical for all States Parties, in particular non-nuclear-weapon States, in order to feel secure and have full confidence in the Treaty.
