

**Third Session of the Preparatory Committee for the 2015 Nuclear Non-Proliferation
Treaty Review Conference**

(New-York, 28 April – 09 May 2014)

Statement by Mr Jean-Hugues Simon-Michel

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Head of the French Delegation

“WITHDRAWAL”

Mr Chair,

Resolving the issue of withdrawal from the NPT is essential for the credibility and the integrity of the treaty, as well as for the consolidation of the treaty. The discussions on this issue since 2003 have demonstrated that this point of view was shared by a very large number of States. Doing nothing would mean that we accept that a State can take advantage of cooperation under article IV and then withdraw from the Treaty with impunity after diverting nuclear technology and materials intended from their civilian use to product nuclear weapons. Doing nothing would imply running the risk that a new proliferation crisis could end up with the same situation as in 2003, when North Korea declared it withdrawal from the Treaty.

Our objective is no way to deny States the right to withdraw. That right is enshrined in Article X of the Treaty, which we do not propose to amend. However it is in no way an absolute right. Indeed, terms for its exercise are laid down both in the Treaty and in treaty international law:

- Firstly, the NPT contains a substantial condition which is stipulated explicitly in Article X. A State can withdraw only “if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country”. It is therefore a right that cannot be exercised on a preventive basis.
- Next, the NPT specifies a formal condition since the decision must be notified three months in advance to the States Party to the NPT and to the Security Council, stating the reasons therefore.

Where these conditions are not fulfilled, the decision to withdraw cannot be considered valid.

Even assuming that those conditions are fulfilled, the State concerned would continue to be bound by certain of its previously given legal and political undertakings. In particular, I recall that a State continues to be responsible for violations of the NPT committed prior to its withdrawal. This is a fundamental principle of international treaty law.

Options have already been outlined for the most effective organisation of the international community's response where the right to withdraw is abused.

Firstly, in Resolution 1887, adopted by consensus in the United Nations Security Council has proposed an essential principle. This resolution provides that provides that in the event of withdrawal, the Security Council must address the matter "without delay". This is an essential point given the Security Council's role in preserving international peace and security. In addition, this resolution suggests that States take certain steps to prevent cases of withdrawal. Supplier States should for example make exports of nuclear materials or technology conditional upon the option to require their subsequent return in the event of withdrawal.

Several proposals have also been circulating in various working documents put forward firstly by, among others, the European Union which has already tabled a paper in the previous cycle. Those documents concord on many points, for example on the need for rapid consultations between States Party, the central role of the IAEA in verifying adherence to international obligations with regard to nonproliferation prior to withdrawal and the advantages of maintaining effective control over the nuclear equipment and material of a State notifying its withdrawal.

The Review Conference could consider these proposals in order to arrive at a decision in 2015.

I thank you, Mr Chair.