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Specific issue – Other provisions of the Treaty, including Article X

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2010 Review Conference of the States Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons
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Thank you, Mr. Chairman,

The NPT is the cornerstone of the global nuclear nonproliferation regime and is as vital today as it was when it entered into force in 1970. In the 21st century, however, we face dramatically changed nuclear risks that pose new and urgent concerns.

President Obama set the tone for this discussion in his historic speech of April 5, 2009, in Prague when he stated that: “We need real and immediate consequences for countries caught breaking the rules or trying to leave the NPT without cause.” We do not need further reminders of the nuclear risks we currently face and the challenges posed by countries violating the NPT and then withdrawing from the Treaty. North Korea’s efforts to produce a nuclear weapon prior to its announcement of its intention to withdraw from the NPT in 2003 were undeniably violations of its NPT obligations.

However, Mr. Chairman, the basic bargain of the NPT remains sound. Countries with nuclear weapons commit not to transfer nuclear weapons to any recipient, and not to assist, encourage or induce any non-nuclear weapon state to manufacture or acquire nuclear weapons, and to negotiate in good faith on measures related to disarmament. Countries without nuclear weapons agree not to receive, manufacture, or acquire them and to join the nuclear weapons states in pursuing negotiations on disarmament. And all NPT Parties in conformity with their nonproliferation obligations undertake to facilitate and have the right to participate in the fullest possible exchange of scientific information related to peaceful uses of nuclear energy.

As our Delegation stated during the U.S. opening and Cluster I and II statements, the United States is pursuing its responsibilities to work towards nuclear disarmament and to deal with proliferation with great resolve. Other NPT Parties bear an equal responsibility to work actively and continuously towards nuclear disarmament and full compliance with the NPT’s non-proliferation obligations. That responsibility does not end with the decision to forego nuclear weapons capabilities and accept NPT-mandated safeguards. Rather, it must continue through the participation of those Parties in resolute, collective efforts to establish consequences for noncompliance and for withdrawal from the NPT without cause, because the outcome of such efforts profoundly affects their security and well-being. We must recognize the common threat that we face and join together to overcome it, casting aside slogans and seeking pragmatic solutions that work.

With regard to withdrawal, Mr. Chairman, the focus of the discussion, as President Obama has suggested, must be how to act collectively to discourage withdrawal from the NPT without cause. Certainly, the Treaty enshrines in Article X the sovereign right to withdraw from the Treaty if a State Party decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme national interests. It is also true, however, that Parties to the NPT have a sovereign right to consider the ramifications for their individual and collective security of such a withdrawal by a state that has breached its obligations prior to withdrawal.

NPT Parties should come together to develop a menu of effective mechanisms to dissuade both the violations and the subsequent withdrawal. Such mechanisms could be unilateral or multilateral, could be grounded in international agreements other than the NPT, and could involve UN Security
Council action or action outside the Security Council, where appropriate. A robust menu of complementary mechanisms would enable the international community to take swift and effective action, and ultimately support diplomatic resolution where possible. Such measures could address: consultations among Parties prior to the effective date of an announced withdrawal; return of nuclear material or equipment provided to a Party prior to its withdrawal, or at a minimum continued application of safeguards to nuclear equipment and material in a withdrawing Party; and restrictions on the supply of nuclear material and equipment to such Parties after withdrawal.

Mr. Chairman, we would also like to reiterate the need to strengthen the international nonproliferation regime in other ways. We should also explore means of strengthening the International Atomic Energy Agency’s safeguards capabilities, and provide the Agency with the increased support it needs to carry out its rapidly growing responsibilities. To this end, we must endeavor to make adoption of the Additional Protocol a safeguards standard for all NPT Parties. Undetected violations of nuclear disarmament and nonproliferation agreements threaten the security of all states, and we must all play our part in strengthening the current verification system.

The international community and especially members of the Security Council must also summon the political will to arrest a trend that cannot continue. It is not enough to detect violations of nuclear disarmament and nonproliferation agreements. The record of enforcing compliance in recent years has been unacceptable. It must be clear that the cost of violating such agreements outweighs any perceived benefit, and that returning to constructive engagement with the international community is the best option.

Mr. Chairman, our Delegation looks forward to working with all NPT Parties to develop specific proposals regarding withdrawal from the Treaty by Parties in violation of their obligations, with a view to securing their adoption by consensus by next year’s Review Conference. We believe the PrepCom should recommend that the RevCon address this issue and consider a plan of action that Parties could pursue to reduce any incentives to violate and then withdraw from the Treaty.

Thank you, Mr. Chairman.