Cluster III (Withdrawal)

I would like to supplement my statement with regards to Article X at this cluster with the following.

After taking advantage of information and technology gained from others that may well have relied on its promises to use them for peaceful uses, North Korea announced that it was withdrawing from the NPT in 2003. Since then, North Korea has conducted five nuclear tests, multiple launches using ballistic missile technology to develop nuclear weapon delivery systems. In response to this, the United Nations Security Council has decided inter alia that North Korea will never have the status of a nuclear-weapons state and must fully comply with its obligations under the NPT and the IAEA Safeguards Agreement and that it shall abandon all nuclear and missile programs in a complete, verifiable, and irreversible manner, and adopted resolutions which impose sanctions to this end. Nevertheless, North Korea has kept on developing nuclear and missile capabilities in violation of its obligations under Security Council resolutions, and declared itself as a ‘nuclear-armed’ state even in its constitution, in clear defiance of the international community.

North Korea is clearly the worst case of abuse of rights by an NPT Party. A core tenet of the Treaty is to reduce the risks of proliferation of nuclear weapons, while at the same time ensuring the benefits of nuclear energy for peaceful purposes. North Korea seriously undermined the NPT regime in two aspects. First, diverting nuclear material, technology, and equipment which it had acquired as a Party to its weapons programme constitutes a serious violation of its non-proliferation obligation. Second, after such serious violations, North Korea invoked another right ensured for Parties by Article X and continued to develop nuclear weapons. Not only has the case of North Korea undermined the objectives and principles of the NPT, but also has raised great uncertainties about Article X.

In this vein, and based on what has been discussed in previous conferences, we would like to suggest a few basic broad principles for our further deliberations on the issue. One, there should be a shared understanding that
withdrawal after violating the Treaty poses a serious threat to international peace and security and the NPT regime. Two, based on the 1969 Vienna Convention on the Law of Treaties and UN Security Council Resolution 1887(2009), it is clear that a state is not exempt from its responsibilities for violations made prior to withdrawal. Three, benefits that can be enjoyed by an NPT Party cannot be allowed for a withdrawing state in violation of the Treaty.

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