Australia/New Zealand working paper on Article X (withdrawal)

Introduction by New Zealand

Mr President

I am pleased to introduce to the Plenary our working paper on Article X, withdrawal, from the NPT, submitted by Australia and New Zealand as conference document WP16. Delegations will have noted that a paper on this important topic has been submitted also by the EU as WP32 and was introduced by the distinguished Ambassador for Luxembourg yesterday morning.

Mr President

The implications of the withdrawal of any party to the NPT from the Treaty could be extremely serious. Because of this, the Treaty strictly limits the circumstances in which withdrawal is possible. However, we believe that so grave could be the implications of any withdrawal that we should attempt to agree some common understandings which would lead to a prompt and appropriate international response in the case of any further withdrawal.

We are not suggesting that Article X should be amended in any way. This is an important point. But we are suggesting that NPT parties should not be able to evade their obligations and commitments under the Treaty simply by withdrawing from it.

Our proposal is quite simple.

First, we are suggesting that any State which withdraws from the NPT should remain accountable for any breach of its obligations while still a party to the Treaty.

Second, we propose some immediate steps which should be taken following any announcement of withdrawal, which would undertake the potential seriousness of the move for international peace and security. We think that there should be immediate and automatic referral of the issue to the Security Council. We also think there should be an extraordinary meeting of states parties to the NPT, given the import of such an announcement for all parties to the Treaty.

Third, Mr President, we think it important that there should be agreed consequences of any announcement of withdrawal. Why should a state which acquired nuclear materials, equipment or technology while a party to the NPT,
under obligations and commitments to peaceful uses, be able to retain the use of such acquisitions if it withdraws from the Treaty? We are therefore suggesting that this equipment, technology, or material should remain subject to peaceful use obligations even if the recipient state should withdraw from the Treaty.

Australia and New Zealand would welcome a free and interactive exchange of views with other States Party on this issue. This Conference presents us with an excellent and timely opportunity for just such an exchange. We have already heard the views of the EU yesterday, as expressed in its working paper. Delegations will have noted that there are similarities in our approaches, but also differences. One area of departure between the two papers is the role of the Depository States vis-à-vis all States Party in the event of any notice of withdrawal. In our paper we propose consideration of a full meeting of all States Party to the Treaty whereas the EU proposes a more permissive role in the consultation and consideration process for the Depository States. This is just one area of the proposals on which we look forward to hearing further views.

Mr President, we believe the NPT withdrawal issue is one which this Conference cannot and should not avoid addressing. It goes to the fundamental reason for the very existence of the Treaty. We cannot afford to turn a blind eye. We encourage all States Party to give thought to how we together might best tackle this critically important issue before us.