Mr. Chairman,

I would like to congratulate you on your appointment as Chairman of this Subsidiary Body and wish you every success.

As noted in our remarks to Main Committee III yesterday, the United States welcomes this opportunity to address the important issue of the Treaty’s Article X.1, regarding the right of Parties to withdraw. We are encouraged by the growing number of States Parties, including members of the NPDI, the Vienna Group of Ten, and other groups, that have expressed interest and proposed similar recommendations regarding this topic. Working papers and statements from these Parties and the robust discussion in the INENS Workshops indicate a convergence of views on the need for NPT Parties to address withdrawal issues now, before more time elapses. We look forward to further developing these proposals, and debating their pros and cons, in order to elaborate and seek consensus on recommendations for the RevCon Final Document text.

Mr. Chairman,

At the 2010 Review Conference, Parties discussed the issue of withdrawal from the Treaty and, in particular, how to respond in the event a State violates its Treaty obligations and then announces that it intends to withdraw from the NPT, pursuant to Article X.1. This could present a critical challenge to the Treaty. While we recognize and respect the legitimate right of withdrawal, we would join with others in discouraging any NPT Party from exercising – and particularly from abusing or misusing – that right. The benefits of the treaty depend on its nearly universal adherence, with the goal of full universality. Withdrawal of any Party undermines this near universality, and it is incumbent on all of us to ensure that all NPT Parties recognize the important shared benefits that stem from continued broad adherence.

States Parties need to develop measures to make clear to a potential withdrawing state the necessary procedures but also to help strengthen the NPT for its other Parties by taking steps to make clear that states could not expect to take advantage of their withdrawal from the NPT for illegitimate purposes – thereby reducing the risk of proliferation and maintaining national safeguards practices. This RevCon
should reaffirm the undiminished security interests of States Parties that remain committed to the NPT. For this reason, Working Paper 47 was drafted by a number of States Parties who endorse the need to work toward consensus text on this subject. It contains recommendations that I will describe in more detail momentarily.

The United States would like to emphasize again that we do not seek to amend the Treaty to revise Article X.1, or to undermine the sovereign right of each state to determine what jeopardizes its “supreme interests,” the criterion for withdrawal specified in the Treaty. We believe NPT Parties should consider how they would discourage such withdrawal and respond if a withdrawing state were to abuse that right. Any provisions would apply equally to nuclear-weapon and non-nuclear weapon NPT Parties. Distinctions between the two are not relevant to the withdrawal issue.

Mr. Chairman,

As reflected in Part 1 of the 2010 Final Document, many Parties have underscored the fact that, under the Vienna Convention on the Law of Treaties, a withdrawing Party remains responsible for violations of the Treaty committed prior to its withdrawal. In addition, even if withdrawal is carried out in accordance with the provisions of the Treaty, it would not affect any other existing legal or political commitments between the withdrawing State and any other Party, including nonproliferation conditions in bilateral cooperation agreements that remain in force after withdrawal from the NPT.

With these Article X.1 rights come responsibilities. If a Party were to withdraw from the Treaty, it would be an abuse of that right if the state were to then develop nuclear weapons using nuclear material, equipment, or technology that was supplied for peaceful purposes on the basis of that state’s NPT membership. It is of particular concern that the IAEA comprehensive safeguards agreement required by NPT Article III would normally terminate upon the withdrawal of a Party from the Treaty. Subsequently, unless other arrangements are made, or other safeguards agreements already exist, the Party’s nuclear activities would no longer be subject to international verification.

Mr. Chairman,

Many NPT Parties are ready to discuss specific measures that could be taken to discourage abuse of Article X.1. Review of Article X.1 is consistent with previous and current NPT RevCon practices where implementation obligations under the
other provisions (Articles I, II, III, IV, VI, and VII) are also reviewed. A number of ideas have been proposed that we would like to summarize:

- There are actions that could be taken following a notice of withdrawal, such as consultations by the NPT Parties, the IAEA Board of Governors and the UN Security Council.

- The IAEA could be asked to assess the withdrawing State’s compliance with its obligations under its safeguards agreement and to make a final inventory of items under IAEA safeguards.

- Prior to a notice of withdrawal, supplier States could proactively create mechanisms, including government-to-government supply agreements, contracts, or other arrangements to ensure that nuclear supplies remain subject to safeguards in perpetuity, whether those safeguards are applied by the IAEA or through other means.

- Supplier States could require that a withdrawing Party return and/or dismantle nuclear materials, equipment, and technologies received from abroad prior to withdrawal. If return is not feasible those nuclear supplies should remain subject to safeguards in perpetuity, as well as any other nonproliferation conditions agreed by the supplier and recipient States.

Mr. Chairman,

All NPT Parties have a clear interest in preserving the integrity of the NPT. Abuse of the withdrawal provision may undermine confidence in the Treaty as a basis for peaceful nuclear cooperation or even threaten international peace and security.

Collectively, we need to demonstrate that we are capable of learning from lessons of the past and are willing to work together to prevent a future misuse or abuse of the withdrawal provision. We encourage an interactive discussion and look forward to engaging with others on this issue.

Thank you.