
**Preparatory Committee for the 2010 Review
Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons**

7 May 2007

Original: English

First session

Vienna, 30 April-11 May 2007

**Perspectives on issues related to article X of the Treaty on
the Non-Proliferation of Nuclear Weapons****Working paper submitted by Australia**

1. The discussion on Nuclear Non-Proliferation Treaty (NPT) withdrawal issues at the 2005 Review Conference was very constructive, enabling good progress on this important issue. While NPT withdrawal remains a sovereign right, it was clear from the discussion in 2005 that there was wide support for stronger disincentives to withdrawal and an appropriate international response in any cases of withdrawal.
2. While no formal agreement was possible in 2005, the discussion on NPT withdrawals nevertheless did send some clear messages. Any party contemplating withdrawal should now understand that withdrawal is not a means for States that violate their NPT obligations to avoid being held accountable.
3. The discussion in 2005 also confirmed that, consistent with the international legal principles applying to treaties, withdrawal does not absolve a State party from meeting obligations it had not met at the time of withdrawal. Another clear message was that nuclear items acquired on the basis that they would be used for peaceful purposes while a country was subject to the non-proliferation assurances of the NPT remain subject to peaceful use obligations even if a State withdraws from the NPT.
4. Australia welcomes the firm support in 2005 for the principle that a State that withdraws from the NPT should not be able to benefit from nuclear materials, equipment and technology acquired while party to the Treaty. Measures to give effect to this principle include incorporation of clauses in intergovernmental nuclear supply agreements forbidding the use of nuclear items subject to such agreements and dismantling and/or return of such items if the recipient withdraws from the NPT. This same condition should apply to nuclear materials, equipment and technologies produced from, or with the help of, the nuclear materials, equipment and technology originally transferred.
5. The drafters of the NPT acknowledged the seriousness of any withdrawal by requiring in article X that notice of withdrawal be given not only to all other Parties, but also to the Security Council. Australia considers it would be appropriate for the Security Council to convene automatically and immediately when any State gives



notice of NPT withdrawal. This would enable the Security Council to consider the implications for international peace and security and the action required. Where a withdrawal would threaten international peace and security, the Security Council has a responsibility to respond appropriately in accordance with the Charter of the United Nations. Notification of withdrawal by a State that has violated its NPT commitments is a particular concern given that the State involved may be embarked on a nuclear weapons programme.

6. NPT withdrawals are a key issue for this review cycle. All NPT parties have a strong shared interest in ensuring that no other NPT party takes the North Korean route of developing nuclear technology, announcing withdrawal from the Treaty and using that same technology for a nuclear weapons programme. Australia looks forward to working with others on taking NPT withdrawals issues forward, building on the strong foundation laid by the discussion on this matter in 2005.
