Opening statement by Australia on 5 August session of OEWG: Ian McConville, Charge, Australian Mission to the Conference on Disarmament

Mr Chairman

1. Thank you and your team for all your hard work and efforts to get us to this point. Under your capable leadership, you have brought professionalism and dedication.

2. Our challenge is to bring the disparate views of delegations on nuclear disarmament together as we strive to achieve “agreed recommendations”. This will be no easy task.

3. As underlined in a statement read on behalf of 24 states by German Ambassador Michael Biontino which Australia supports fully, we should recommit to a common purpose: to ensure this OEWG process advances nuclear disarmament and enhances global peace and security, not the reverse. We are not talking of recycled ideas, but rather ideas that have a good chance of succeeding. We are not talking of maintaining the status quo, but finding ways forward when we know the path is difficult and uneven. Progress may not be quick, but it can (and does happen). That is the basis of the Progressive Approach.

4. You will be aware those states supporting the Progressive Approach Paper maintain any process to take forward multilateral nuclear disarmament needs to take into account the current geopolitical situation, including relevant national and international security considerations.

5. Integral to this proposition, is that we must work with those countries which actually possess the nuclear weapons. It goes without saying that any proposed legal measures on nuclear disarmament needs to have buy-in from those states to be effective. Any alternative approach would only risk deepening the divide between NWS and NNWS.

6. All sides acknowledge the importance of the NPT as the central pillar for nuclear disarmament and non-proliferation. A key concern for Australia that the negotiation of a Prohibition Treaty could actually undermine the NPT, and even risk its rupture.

7. We have a road map, outlined in our Progressive Approach paper, which builds on the 2010 NPT action plan and the 13 practical steps to disarmament agreed at the 2000 NPT review conference. This must be our ongoing priority. But we should not rest on our laurels. If there are new proposals that we can agree on in this forum, which can help facilitate progress towards effective disarmament and enhanced security, then we certainly are open to their inclusion.

8. It will be important for us to clarify a definition of a Prohibition Treaty in the Zero Draft. We note you have included in para 28 of the Zero Draft a definition that
defines a Prohibition Treaty as “an interim or partial step towards disarmament as it would not include measures for elimination”. It is important that we all understand the implications, and limitations, of such a measure. Some would have us believe that it would rid the world of weapons, or indeed, leading to elimination, as noted in para 59. Far from it. A simple Ban Treaty would not facilitate the reduction in one nuclear weapon. It might even harden the resolve of those possessing nuclear weapons not to reduce their arsenals.

9. We also will need to clarify the basis for concluding in the report that a “majority” of states have supported the convening by the General Assembly of a conference in 2017 on a Prohibition Treaty.” We would challenge the notion that such support for that specific recommendation, focusing on prohibition only (not elimination) was indeed evident in earlier sessions of the OEWG. We contend these were neither reflected in relevant working papers, nor in interventions we heard from the floor.

10. We believe that any legal measure recommendation arising from this OEWG should not replicate what is already in existence. Otherwise, we risk legal overlaps, not to mention imposing an unnecessary burden on states to negotiate a new legal convention, including those with capacity constraints. Notably, the banning of possession and use of nuclear weapons is already a legal duty for all non-nuclear weapon states under the NPT. Why proceed with a legal measure, which will not have any prospect of engaging possessor states, but which we know duplicates binding legal commitments for the 185 other states party to the NPT?

11. Mr Chairman, given the existing polarisation in the disarmament community, as well as the dysfunctional CD and Disarmament Commission, we need to focus now more than ever on what is effective and achievable. This does not mean lowering our ambitions. It means being ambitious about the right objectives. All states and regional groups should step up efforts to promote achievable measures that actually promote progress towards disarmament. We should collectively pressure the NWS to do likewise. In our Progressive Approach paper, we underlined the importance of initiating confidence-building measures to establish the necessary trust for progress on nuclear disarmament in the prevailing difficult international environment. Why not start with that?

12. We also believe there is greater scope in the draft outcomes document to highlight areas of genuine convergence, as noted by Ambassador Michael Biontino in this morning’s statement. As we have underlined in our earlier interventions, implementation of the measures outlined in the Progressive Approach working paper, both legal and non legal, provide a challenging but practical pathway forward.

13. Thank you for your ongoing commitment to outreach to all delegations in your discussions and as you finalise your report. This has indeed been a commendable hallmark of your tenure as Chair, and underlines the professionalism you have
brought to this process. You can continue to rely on the Australian delegation to support you in your endeavours as we head to the conclusion of the OEWG on 19 August. In doing so, we underline our ongoing commitment to seeking agreed outcomes which reinforce rather than set back the cause of disarmament.

I thank you, Mr Chairman