CHECK AGAINST DELIVERY

Intervention on 22 February at OEWG by Australian Deputy Permanent Representation, Ian McConville:

Mr Chairman, once again, I would like to welcome your confirmation as Chair, and be assured you have our full support as we work together, in a collegiate way, to advance our common goal, which is to make concrete progress towards global zero.

In the spirit of continuing the interactive discussion, my comments and questions are in response to the very comprehensive and thought provoking panel presentations, and I thank Ms Gro Nystuen, Ms Kathleen Lawan and Ms Rebecca Johnson for their very considered remarks. We commend them for commencing our debate in such a stimulating fashion.

I am also fortunate to follow after Japan’s Ambassador to the Conference on Disarmament, Ambassador Sano, so I do not need to cover his very detailed analysis of what legal measures we could consider progressing right now. Consider it understood that we are in agreement on these measures.

As a preliminary comment, I would like to pick up Rebecca Johnson’s most recent intervention which discussed the Building Blocks approach, including whether it, (or the “step by step” approach), had “delivered” substantially on nuclear disarmament. Colleagues, you’ll be aware the idea of Building Blocks first arose in 2013 in a Working Paper 4, dated 27 June, supported by 12 delegations, including Australia. It is not a magic formula, and indeed it recognises that states may differ on the means or sequencing for achieving global zero. But it does provide a roadmap of practical, achievable and effective measures that we could develop to progress us towards global zero. Additionally, as noted by the distinguished Japanese Ambassador this afternoon, it urges delegations to focus not on differences, but on common ground in pursuing our shared goal. As an aside, we also agree with Rebecca’s comment on linear sequencing: I think it is now commonly held that linear sequencing in relation to the step by step no longer catches the key rationale of the building blocks approach: hence, progressing one effective measures is not necessarily dependent on another being achieved beforehand.

To further elaborate on the Building Blocks approach in the OEWG context, we need to ask ourselves what is our ultimate goal in this OEWG process: is it to narrow and restrict options independent of the external environment, or is it to lay out a variety of options which can be developed when the “time is right”? We strongly believe that it is the latter, and this is the underlying premise of the Building Blocks approach. We have seen the divisions and differences of opinion, most recently at the First Committee but also in the NPT context. And the situation that we articulated in the original Building blocks paper has not changed: States still differ on the means or sequencing for achieving global zero. We would contend it still is too early to be in the game of coming up with one magic solution to get to global zero. In the history of arms control negotiations, we have seen particular times have been ripe for negotiation of major treaties...but there have been many fallow years too. This is why we strongly advocate keeping options open...if it works, then exploit the opportunity that is offered.
Secondly, I was struck by Rebecca Johnson’s comment elaborating on the definition of an “effective measure”: “It must contribute practically to removing impediments and to bring about desired objectives.” In this context, the Australian delegation would argue that an effective measure is one that includes those stakeholders whose behaviour we most want to influence. For us, to make substantial progress towards global zero, we believe it is critical that we engage those states that actually have the weapons.

Thirdly, we believe it is important that in considering effective legal measures in this Panel 1 discussion, we need to take into account existing political/security considerations. We agree entirely with ICRCs’ injunction that “we must act now”, but in doing so, we believe we must factor in the prevailing political/security environment. In times where this environment is challenging, as Rebecca has pointed out, there is an enormous amount we need to do in relation to preparing the groundwork for progress: pre-negotiations if you like. We would suggest this includes addressing some of the drivers of international instability and insecurity including reducing the tensions sparked by regional disputes; maintain vigilance in halting the proliferation of nuclear weapons; improving transparency of nuclear programs and capabilities of key countries of concern; developing verification methods and technologies capable of detecting violations of disarmament obligations; and building consensus on enforcement measures strong and credible enough to deter such violations. Some might argue these are non-legal measures. We, however, would maintain they are tied intrinsically into any discussion of what are going to be effective legal measures and already provide us with a clarion call for urgent action. If we formulate recommendations from the OEWG, these must bear scrutiny on a scorecard of being achievable, and being effective.

Fourthly, I would like us to pick up on comments made by Tim Caughley this morning, but also further mentioned by our panellist this afternoon. We commonly speak of three options in the face of a perceived legal gap (a standalone agreement, either a Ban Treaty or a Comprehensive Convention/ a framework agreement/ or step by step or its variant, the building blocks approach). This is a helpful breakdown, and full credit to the relevant New Agenda Coalition papers that have been instrumental in framing the discussion in this way. And I thought the analysis of the panel provided some very useful clarifications on this issue.

A key question, however, is the particular point in time for considering the application of specific legal measures. Are we talking about the current situation when we are looking at ways to reduce nuclear weapons from 15400 to 100? Or are we talking about getting us from the so called “minimisation” point to global zero? Or are we talking about maintaining the status quo when we have fully eliminated all nuclear weapons. Whilst we would not envisage a Ban Treaty now as viable, possibly this would be appropriate at the point when we have eliminated all of these weapons.

We would argue that each stage will need to be considered in the light of political/strategic considerations existing at the time we reach each of these landmarks. In this context, and consistent with the Building Blocks approach, we would argue that we should not discount the value of plurilateral arrangements among the nuclear possessor states (which we have not heard of from our panellists today), in addition to ongoing bilateral agreements such as New START, as a possible way forward from where we are now.

Finally, I note comments made today on the building blocks approach, including the idea proposed by Mexico that a ban treaty could be commenced simultaneously with other ongoing legal
processes, consistent with the Building Blocks approach. We disagree. Such a measure would almost certainly not have engagement of nuclear weapon or possessor states, and hence we would not see this as an “effective measure”. We will be issuing a paper on behalf of a number of countries in the next day or so, which will provide further clarification on this issue.

I thank you Mr Chair