Mr Chair

Thank you for the opportunity to weigh in once again on this very stimulating discussion.

Some interesting issues have been canvassed in our discussions yesterday and today.

I would like to pick up on a few points:

• **Firstly**, we have heard some very interesting views expressed from delegations here present on the suitability or otherwise of a Prohibition treaty, and indeed, differing views of what a prohibition or Ban Treaty really entails. A clear message I am hearing is that a simple Ban Treaty would not be sufficient in itself. I would be interested in the panel’s views on that conclusion.

• **Secondly**, we believe there are a number of legal measures that we can undertake in the immediate term, and these are enumerated in our paper. But we believe all these measures need to be mutually reinforcing and consistent with the existing disarmament architecture that already exists, notably the NPT which we see as the cornerstone of the disarmament regime, as we chart a path forward.

• **Thirdly**, a number of interventions have focused on the so called “legal gap”. We have no problem discussing the existence of a legal gap. In a general sense, any advocacy of legal measures, such as an FMCT or a CTBT, is acknowledging that legal gaps need to be filled. I think the more specific issue concerning the legal gap is whether Article VI of the NPT is “insufficient” to cover the obligation for disarmament. We would contend that Article VI is sufficient to incur an obligation by the Nuclear Weapon States to give up their nuclear weapons. This was underlined by no less an institution than the ICJ. Do we need additional legal architecture, such as a Ban Treaty, to double up on Article VI of the NPT. We think not.

• **Fourthly**, I would then like to examine the interesting debate about what has worked in the past. An important threshold issue is whether we should wait until the elimination of all weapons, before we consider progressing new legal architecture, for example, a prohibition treaty.
  o It is true that this has occurred with other disarmament architecture.
  o We respect this logic, but note the particular features that we can’t ignore about nuclear weapons. If we assume that nuclear weapon states and nuclear possessor states will not be part of any near term prohibition negotiation, and if we note that every other state is already prohibited from possessing, stockpiling and using nuclear weapons through our NPT membership obligations, it begs the question about what useful purpose would a Prohibition Treaty serve.
Driving our approach at all times is to ensure the path we choose at a certain point in time, is going to deliver the best results. And we need to be flexible, fluid as we move forward, seizing opportunities as they arise.

- **Fifthly**, there has been some talk of norm setting behaviour for negotiating an additional legal instrument, even without the participation of NWS and Nuclear Possessor States (and we have heard an articulate case made by Article 36 on this issue today). But there are significant downsides.
  - As noted this afternoon, a ban would create two categories: whose who have signed up to it, and those who have not. It would be assumed that the Nuclear Weapons States will not sign up to it, as well as those states outside of the NPT also. But what about those Non NWS that don’t sign up to, particularly if they are in regions where there is already a threat of proliferation.
  - I would also add a point I raised yesterday’s discussions. Human nature abhors stigmatisation. We would argue there might there be unintended consequences for negotiating a new legal instrument which bypasses the very states that possess these weapons.

- **Sixthly**, I would like the panel to address the question I raised yesterday: we need to underline caution about simply characterising future courses of legal action as consisting of just two general approaches: a stand alone treaty such as a Ban or Comprehensive Convention, or a framework agreement. In the building blocks approach, we reiterate that multilateral, effective disarmament will require mutually reinforcing “building blocks” that are multilateral, plurilateral, bilateral or unilateral.
  - Where for instance, does a plurilateral agreement between those states that actually possess weapons, fit into a simple reduction of our legal options to either a stand alone agreement or a framework arrangement?
  - We would contend the most important thing is to get as many countries to a negotiation, but particularly to ensure all those that have these nuclear weapons to come to the table.

- **Finally**, I want to address the issue of security considerations. And this issue was further raised by the distinguished Mexican Ambassador just now. The valid question is then posed: whose security is at stake. This is an understandable and perfectly rational question for us to discuss.
  - A comment was made after my intervention yesterday that we were putting “security” obstacles in the way of action towards global zero. We were imposing pre-conditions before we were prepared to act.
  - Let me be absolutely clear. We are not arguing that national security considerations are a reason for procrastination on progressing legal and other measures. Far from it. But they must be taken into account. We all have an obligation to act now to progress nuclear disarmament. And we believe this can be best done by working painstakingly forward, addressing the relevant political/security challenges that are thrown up in our path.
While progress is at times halting, and even disappointing, we are on the road inexorably toward the so-called minimisation point. It is happening. Rebecca Johnson has just reminded us there were 57,000 nuclear warheads in 1987, whereas we now have 15,400 in 2015.

We will be issuing a working paper tomorrow that makes the following point: We need to keep this momentum up. And we can do this by engaging all the relevant players, by talking and listening to each other, by not stigmatising certain states and excluding dialogue, but working progressively forward, in a collective way.

Our “progressive approach” paper is a clarion call for action. We say that we do not have to wait “until the minimisation point” is reached before giving consideration to the many political, security, technical verification and enforcement issues that remain to be resolved. We should continue to progress these important issues as we work towards global zero.

I thank you Mr Chairman