Mr. Chair,

Last week’s discussions about the risks associated with nuclear weapons underlined once again that it is important to accelerate nuclear disarmament.

Thank to Dr Stuart Casey-Maslen’s presentation this morning.

Mr. Chair,

Your synthesis paper, in our view, contains the gist of the most important points presented and discussed at the February discussion, and reflects the various views about such instruments in a balanced way.

In our view, discussions in the OEWG on effective legal measures have been rich and substantial. They were valuable, despite the fact that different viewpoints clearly exist. Hence, numerous questions are yet to be discussed which underline that much work is still ahead of us. This is why we hope discussions this week in the OEWG will bring greater clarity on how nuclear disarmament can be accelerated, including via additional legally binding instruments.

Mr. Chair,

The various approaches suggested regarding an additional legally binding instrument – a comprehensive convention, a framework convention, interlocking and mutually reinforcing legal instruments, or a stand-alone instrument - have enjoyed different levels of support in different quarters.

We therefore welcome the opportunity this week to discuss these different viewpoints in view of getting greater clarity on a number of questions and to arrive at common understandings.

Switzerland is of the view that one or more additional legally binding instruments –in conjunction with parallel measures of a non-legal nature – will be required to achieve and maintain the long term view of a world without nuclear weapons.

This delegation believes that there is more than one way in which nuclear disarmament can be achieved. To find out the best way forward, and to identify the most effective instrument, we have suggested in the first session in February to apply a criteria-based approach.

In this regard, the first and most important aspect that in our view needs to be discussed is the political support an approach can garner:

- Political support is crucial, because in order to be effective, such an instrument would need to be carried by a credible majority of states comprising a significant number of States, from all regions of the world.
- This credibility would be greater, if one or more states possessing nuclear weapons or states with nuclear-weapons in their security concepts would support this course.
- Switzerland is of the view that several aspects with regard to the political support for negotiations still have to be clarified.

A second important question is the instrument’s scope, in particular whether a prohibition is part of the scope, and what such a prohibition would entail:

- Switzerland’s long standing view is that nuclear weapons, like the other weapons of mass destruction, ought to be prohibited, since they represent a serious threat for international security and the population. It must remain our goal to work towards a
verifiable prohibition, not only of the use, but also of the possession of nuclear weapons.

- In fact, we find it difficult to imagine that nuclear disarmament could ever be achieved without such prohibitions. In that context, we see great value in exploring the approach of prohibitions.
- While there seems to be a very widely shared view that an instrument to prohibit nuclear weapons would be needed at some point, views still seem to be diverging with regard to the point in time such an instrument would be appropriate. (Clearly, more convergence would be needed regarding the timing and sequence of a prohibition.)
- Clarifying the potential and sequencing of a prohibition of nuclear weapons is only natural, given the severe deadlock nuclear disarmament has seen in the relevant multilateral fora. The difficulties that the international community has been encountering on the path towards a world without nuclear weapons in the past decades justify the active search for additional pathways that could accelerate the disarmament process

A third question that needs to be examined is the articulation of any new instrument with the existing legal landscape. I would like to make the following points:

1. Whatever is done in the direction of a new instrument would need to strengthen and complement the existing instruments, and facilitate further disarmament steps.
2. Working towards an additional legally binding instrument does not mean that norms, commitments and concrete measures already agreed, for instance the commitments under the NPT, will become less relevant. On the contrary, it would become even more important to implement what has already been agreed. While certain questions about the articulation with the NPT would need to be discussed, we are confident that negotiations can be shaped in a way that negative impacts on the NPT or other existing instruments can be avoided. NPT States Parties themselves are in the best place to ensure that the NPT is not undermined, but strengthened, by any future instrument.
   Any future instrument would of course also need to articulate in a positive way with the other pre-existing legal instruments, such as the Nuclear Weapons Free Zone Treaties and their relevant protocols, or the Comprehensive Nuclear Test-Ban Treaty (CTBT).
3. Beyond the articulation with specific treaty, any such instrument, in order to be credible, would need to build on existing international law notably the law governing the interstate use of force (ius ad bellum), the international law applicable in armed conflicts (ius in bello) as well as international human rights law.
4. Last but not least, articulation with other instruments should also be seen as an opportunity. For instance, there could be an opportunity to overcome the different classes of states and the different categories of nuclear possessor states.

Mr. Chair,

Apart from political support, scope and articulation with existing instruments, other questions will have to be addressed.

We hope this week’s discussions will help identify advantages and disadvantages and, perhaps most importantly, achieve greater clarity regarding the potential of each approach, including the political support and practical feasibility of each option.

Overcoming the diverging views and building consensus on the nature of such an instrument will not be easy. This has been the first ever structured discussion in the UN system on these issues. While it has become clear that it will not be possible to reach convergence on all issues, it is also apparent that a format such as the OEWG represents a unique opportunity to advance on this issue, at least conceptually.