Bern, 12.06.2013

Views of Switzerland on a "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" in response to the request of the UN Secretary-General, contained in UNGA resolution 67/53

I. Executive Summary

1. A treaty on fissile material for nuclear weapons (hereafter: treaty) is long overdue and represents a priority for Switzerland. Reaching an understanding on modalities should not be made a precondition for beginning negotiations. A treaty should strengthen and complement the existing nuclear non-proliferation and disarmament regime. It should both halt vertical as well as horizontal proliferation, and contribute to nuclear disarmament. Consequently, a treaty should, on one hand, prohibit the future production of fissile material for nuclear weapons or other nuclear explosive devices, including providing for the decommissioning and dismantlement of production facilities or for their reconfiguration for peaceful purposes only. A treaty should also, on the other hand, address past production of fissile material. If only future production is covered (in a mere "cut-off treaty"), the disarmament effects will be limited. Such an approach could generate incentives for a State to produce as much material as possible before ratifying the treaty, or, worse, even create incentives to delay the commencement of negotiations or the entry into force of such a treaty. By covering existing stocks, nuclear disarmament will be advanced significantly, not least by ensuring that existing fissile material excess to military requirements will never return to nuclear weapons stocks. A treaty should also ensure that stocks of Highly Enriched Uranium (HEU) for naval propulsion will not and cannot be used in nuclear weapons and other explosive devices.

II. Objectives and Principles

2. The aim of a treaty banning the production of fissile material for nuclear weapons and other explosive devices should be to strengthen and complement the existing nuclear non-proliferation and disarmament regime consisting of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). A treaty should also consolidate the aforementioned regime by bringing closer together NPT States Parties and States not Party to

the NPT (that possess fissile material) through the advancement of commonly shared disarmament and non-proliferation objectives.

3. To contribute to the dual aim of halting vertical and horizontal proliferation on the one hand and to achieving nuclear disarmament on the other, a treaty should both prohibit the future production and address existing stocks of fissile materials for nuclear weapons or other explosive devices.

4. The treaty should be non-discriminatory, multilateral and internationally and effectively verifiable. It should also have a beneficial impact on reducing the risk of theft or diversion of fissile material.

5. Reaching an understanding on stockpiles should not be made a precondition for beginning negotiations.

III. Scope, Definition, Verification

6. A treaty should prohibit the future production of fissile material for nuclear weapons or other nuclear explosive devices. It should provide for the decommissioning and dismantlement of production facilities or for their reconfiguration for peaceful purposes only.

7. A treaty should address past production of fissile material. If only future production is covered (in a mere “cut-off treaty”), the disarmament effects will be limited. Such an approach could generate incentives for a State to produce as much material as possible before ratifying the treaty, or, worse, even create incentives to delay the commencement of negotiations or the entry into force of such a treaty. By covering existing stocks, (irreversible) nuclear disarmament will be advanced significantly, not least by ensuring that existing fissile material excess to military requirements will never return to nuclear weapons stocks. A treaty should also ensure that stocks of Highly Enriched Uranium (HEU) for naval propulsion will not and cannot be used in nuclear weapons and other explosive devices.

8. Switzerland supports a criteria-based approach to the question of definition of fissile material. The definition should be conceptually in line with the International Atomic Energy Agency (IAEA) definition, taking into account what is *necessary* to fulfill the goals of the treaty, *technically possible*, *affordable* and *politically feasible.*[i]

9. An internationally and effectively verifiable treaty should draw on existing verification tools utilized by the IAEA. As with the NPT, no detailed verification provisions should be incorporated in the treaty itself. Instead, the IAEA could be tasked to develop the required verification measures and safeguards.

IV. Legal aspects (duration, entry into force, withdrawal)

10. As a sustainable contribution to a world without nuclear weapons the treaty should be of unlimited duration. Moreover, the Non-Nuclear Weapon States (NNWS), as a result of their NPT obligations, are already *de facto* under a ban of the production of fissile material for nuclear

weapons or other nuclear explosive devices material for weapons use which is of unlimited duration.

11. The entry into force provision should reflect that such a treaty will be particularly relevant for States with advanced and military capabilities, but must also ensure that the non-ratification of any State will not prevent entry into force or that any State would perceive incentives to delay ratification.

12. Taking into account the potential global security impact of withdrawal, it will be important to design a mechanism that enables States Parties to adopt an appropriate response.

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[i] CD/1771 of 12 May 2006: A Pragmatic Approach to the Verification of a FMCT. Switzerland proposed: plutonium with an isotopic concentration of Pu-239 of more than 70%; highly enriched uranium containing more than 40% of the isotope U-235; as well as U-233 and neptunium-237.