



Report of the Working Group to analyse the Treaty on the Prohibition of Nuclear Weapons

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1 Introduction

Switzerland shares the objective of a world without nuclear weapons. A strong commitment to nuclear disarmament and non-proliferation is therefore part of the country's foreign and security policy. Switzerland played an active role in the negotiations on a prohibition of nuclear weapons (Treaty on the Prohibition of Nuclear Weapons, TPNW), which were launched at the UN General Assembly in 2017. Once the outcome of the negotiations was known, it became apparent that more detailed clarification of the agreement and its implications was necessary. An interdepartmental working group under the direction of the FDFA examined these questions.¹ With the present report, the working group submits a jointly shared assessment of the TPNW. After a differentiated analysis the group concludes that the treaty's ultimate objective indeed is in line with the Swiss disarmament policy. At the current stage, however, the reasons against an accession of Switzerland outweigh the potential opportunities accompanying a signature and ratification of this treaty. Therefore, the working group recommends that Switzerland follows further developments attentively and examines its position on the treaty as required.

2 Background

The cornerstone of the current nuclear world order is the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), negotiated in 1968. The NPT provides the legal and political basis to eventually achieve a world without nuclear weapons. The NPT is based on three pillars: (1) non-proliferation, (2) the peaceful use of nuclear energy and (3) disarmament. The NPT recognises five states as nuclear weapon states, without commenting on the legality of the use or threat of use of nuclear weapons. Its greatest achievement is the fact that it limited proliferation to just four additional states.² The NPT has also been successful in guaranteeing peaceful use of nuclear energy. In terms of disarmament, however, it has achieved mixed results: while there are currently far fewer nuclear weapons than during the Cold War, the logic of nuclear deterrence is likely to remain a key element of the strategic balance for decades to come. Nuclear weapons are being modernised and a number of states are increasing their

¹ FDFA Division Security Policy; FDFA Directorate for International Law; Permanent Mission of Switzerland to the United Nations and other International Organisations in Geneva; DDPS International Relations Defence; EAER State Secretariat for Economic Affairs; DTEC Federal Office of Energy.

² India, Pakistan, Israel and North Korea outside of the NPT. United States, Russia, United Kingdom, France and China as nuclear weapon states in the NPT.

arsenals. The objective of a world without nuclear weapons is not achievable in the foreseeable future.

Dissatisfaction about this mixed disarmament record and fears regarding the risks of nuclear weapons have grown in recent years. This prompted a number of non-nuclear weapon states (e.g. Mexico, South Africa, Ireland and Austria – supported by many NGOs) to launch negotiations on a prohibition of nuclear weapons at the UN General Assembly. The aim was to ban the last remaining weapon of mass destruction that is not yet prohibited. The focus was on the catastrophic consequences of nuclear weapons (on people, the environment, the global economy, food security, health etc.). Geopolitical and security considerations were explicitly not a priority.

Only non-nuclear-weapon states took part in the negotiations conducted at the UN General Assembly in 2017. All states in possession of nuclear weapons (the five nuclear weapon states recognised in the NPT as well as the states possessing nuclear weapons outside of the NPT: India, Pakistan, Israel and the DPRK) and the majority of countries allied with nuclear weapon states (NATO states, as well as US allies such as Australia, Japan and the Republic of Korea) stayed away from the negotiations.

Although Switzerland was sceptical about the particular process used to negotiate a prohibition of nuclear weapons, it took part in the negotiations to safeguard its interests and to contribute to shaping a favourable agreement. As per the negotiating mandate of the Federal Council, Switzerland aimed for a treaty conducive to disarmament, that safeguards, consolidates and, where possible, strengthens international norms and instruments, such as the NPT. On account of the one-sided participation in the negotiations, Switzerland often found itself in the minority with its concerns. Switzerland finally voted Yes when the treaty was adopted on 7 July 2017, but supplemented its position with a critical explanation of vote, which referred to several technical, legal and political concerns. Switzerland announced that it would address these questions by carrying out further clarifications, which are the subject of the following chapter.

The TPNW was opened for signature on 20 September 2017. It will enter into force after it has been ratified by 50 countries (current status: 59 signatories, 11 parties). It stipulates the incompatibility of the use of nuclear weapons with international law. The treaty prohibits the use, threat of use, manufacture, stockpiling, acquisition, possession, stationing, transfer and testing of nuclear weapons. It also prohibits the assistance in prohibited activities (without further defining the precise scope of that prohibition). The treaty also contains provisions on international cooperation, in particular regarding victim assistance and environmental remediation. This therefore now constitutes a comprehensive prohibition of nuclear weapons, as already exists for chemical and biological weapons.

For its advocates, the TPNW's approach to outlaw these weapons sets a humanitarian and peace policy signal amid growing nuclear weapon risks. In their view, states can now for the first time use a formal international legal instrument to emphasise their conviction that the possession and use of nuclear weapons is not compatible with international law, and that they will not assist such actions. Advocates see the TPNW as an effective measure to implement the provision of the NPT which requires all states to pursue nuclear disarmament negotiations (Art. VI). They firmly believe that in this regard the TPNW provides scope for action in what they see as a sluggish disarmament process.

Critics of the TPNW believe that the treaty is based on a dangerous misjudgement of the global situation. They believe the treaty deviates from NPT logic and will complicate rather than promote disarmament. As nuclear-armed countries and NATO states are not likely to join the TPNW, critics do not believe it will have any positive effects. Many states announced

immediately and unequivocally that they did not recognise the treaty and its norms. In their view, the experiences with Iran and the DPRK underscore the importance of common efforts geared to the long term.

3 Evaluation of the treaty and its implications

In connection with the evaluation of the treaty and its implications, the following dimensions need to be assessed:

1. impact of the treaty on arms control, disarmament and non-proliferation;
2. the international law and humanitarian aspect of the treaty;
3. foreign and security policy ramifications of the treaty;
4. implications for trade and industry, energy and research, and social welfare.

3.1 Arms control, disarmament and non-proliferation

A key test criterion is whether the treaty is in line with Switzerland's foreign and security policy interests. The focus here is on whether the TPNW can be a step towards disarmament, or whether it in fact makes disarmament more complicated. In principle, Switzerland does not want to miss an opportunity to support progress in nuclear disarmament and non-proliferation. However, it would be counterproductive to jeopardise established forums and principles without effectively advancing the core concern of further disarmament measures.

Interaction with other treaties and forums

The NPT is the key instrument in the nuclear disarmament and non-proliferation architecture, as well as the foundation of an international order that is supported by Switzerland. The continued and uncontested existence of the NPT is pivotal to the achievement of a world without nuclear weapons. This is due to the fact that it is the only nuclear treaty that strikes a balance between the three pillars (non-proliferation, peaceful use of nuclear energy and disarmament) and has almost universal validity. In the TPNW negotiations, Switzerland therefore endeavoured to negotiate an agreement that preserves and reinforces the added value of the NPT. This objective was only partially achieved.

For example, the centrality of the NPT could not be more firmly enshrined in the treaty text (apart from a hard-won mention in the preamble stating that it is the cornerstone of the nuclear non-proliferation and disarmament regime). In particular, it was not possible to prevent the regular meetings of state parties in the TPNW format being able to negotiate additional (also legally binding) nuclear disarmament measures. Only the experience of future meetings of states parties will show whether this treaty will allow constructive interaction between the various agreements, or whether established processes, such as the NPT review process, will be duplicated, encouraging fragmentation and further polarisation. In addition, the Comprehensive Nuclear Test Ban Treaty (CTBT), which is regrettably still not in force, could not be given greater consideration in the treaty text.

In the absence of clear statements in the treaty text, it will only be possible to assess the interplay between the TPNW and the NPT/CTBT in the medium term. Indicators of the treaties' relationship will be future NPT, CTBT and TPNW conferences, as well as developments in the relevant UN bodies.

Advancing disarmament

To what extent the TPNW can provide leeway for disarmament is strongly disputed. While the TPNW sets out relatively detailed processes for the elimination of nuclear weapons, these

provisions are not likely to be applied since possessors of nuclear weapons will hardly become a party to the treaty.

In light of this, the TPNW should primarily be deemed a *declaratory* instrument. In this sense, the TPNW provides a counterpoint to growing nuclear risks and the increased weight of nuclear forces, significant modernisation efforts and the renewed threat of an arms race. It will take time to gauge whether this declaratory agreement will have a direct or indirect impact on disarmament.

It is also difficult to assess at this time whether and to what extent the TPNW will impede future cooperation between states. For example, it may conceivably be even more difficult in future to achieve consensus in the NPT because certain States might refer to the higher prohibition standard of the TPNW. The stigmatisation that the TPNW intends to achieve could therefore further reinforce the polarisation that has already been increasing for some time.

Verifiability/verification

It is to be welcomed that the TPNW does *not* set out its own verification measures for compliance with its prohibitions. This has prevented duplication. Another positive point is that under the TPNW, the verification instruments applied at the time the treaty enters into force must be maintained as a minimum standard.

It is regrettable, however, that the TPNW refrains from stipulating the stricter additional protocol of the International Atomic Energy Agency (IAEA) as an appropriate verification standard. This means that every state party will be able to maintain its existing verification level although it is subscribing to a comprehensive prohibition. This discrepancy remains one of the major shortcomings of the treaty and, from the perspective of non-proliferation, is a missed opportunity.

Conclusion

The TPNW has certain shortcomings when measured against agreements aiming to achieve comprehensive, irreversible and verifiable disarmament and non-proliferation. Considered as a declaratory instrument, the intention behind the agreement is clearly to give new impetus to nuclear disarmament. However, due to the fact that no nuclear weapon states are likely to join the treaty in the foreseeable future, and the countries allied with nuclear-armed states are also distancing themselves from it, it is unlikely to have a direct impact on disarmament in the foreseeable future. The TPNW's stigmatisation agenda does not correspond to the Swiss approach, whereby disarmament should be carried out *with* and not *against* nuclear weapon states. Whether the TPNW will cause direct or immediate damage to existing instruments and processes cannot be predicted at the current time. This will primarily depend on whether certain states or actors exploit the TPNW in future, in particular against the NPT. Only the practice of states, both inside and outside the TPNW, is likely to provide clarity in this respect.

3.2 International law and humanitarian dimension of the treaty

Appraisal under international law

Switzerland is of the view that compared with other categories of weapons of mass destruction – i.e. the chemical and biological weapons that are already prohibited under the relevant multilateral treaties – there exists a gap in international law when it comes to nuclear weapons. For this reason, it has in principle argued in favour of a prohibition of nuclear weapons by means of an internationally legally binding agreement. The TPNW creates, for the first time, a comprehensive and explicit prohibition of nuclear weapons, which is inspired by international humanitarian law.

Independently of the TPNW, international law already stipulates a series of prohibitions and restrictions regarding the possession, use or threat of use of nuclear weapons. These are contained in particular in the NPT, the UN Charter and international humanitarian law.

Under the NPT, Switzerland is already obliged to refrain from developing or acquiring nuclear weapons. In this area, ratification of the TPNW would not entail any additional obligations for Switzerland.

On account of its obligations under international law and its neutrality, Switzerland is limited by tight constraints when it comes to explicitly soliciting protection through nuclear deterrence or joining a nuclear alliance such as NATO. In this regard, the TPNW further develops the existing legal obligations by clearly prohibiting military cooperation with other states for the purpose of nuclear deterrence for the first time.

The question of whether it is legal to use nuclear weapons is disputed. Switzerland has always taken the view that nuclear weapons can hardly be used in compliance with the pertinent rules of international law, in particular international humanitarian law. Under the UN Charter, nuclear weapons may not be used as a means of aggression against another state under any circumstances. The TPNW now explicitly addresses this matter.

Switzerland's humanitarian tradition and peace promotion efforts

As depositary of the Geneva Conventions, host state of the International Committee of the Red Cross (ICRC) and on account of its humanitarian tradition, Switzerland assumes an advocacy role for international humanitarian law and humanitarian values. The TPNW should therefore also be evaluated in terms of the humanitarian consequences of nuclear weapons. These aspects are important, as the non-use of nuclear weapons is an emblematic response to the call to set restraints on war. It shall not be possible to wage war without limits. Suffering and misery must be minimised whenever possible. The TPNW is essentially consistent with Switzerland's humanitarian tradition, its efforts to foster peace and to promote human rights and international humanitarian law. States can now express their conviction that they want to prevent negative humanitarian consequences by not supporting the actions prohibited in the TPNW, in particular the use of nuclear weapons. However, the impact of the treaty remains limited insofar as the complete prevention of the humanitarian consequences would require acceptance of the prohibition by all nuclear-armed states.

Conclusion

From a legal perspective, the TPNW reaffirms and complements the existing obligations under international law, particularly those derived from the NPT and international humanitarian law. For its state parties the TPNW clarifies the current uncertain legal situation regarding the use of nuclear weapons. The TPNW now also clearly prohibits military cooperation in the nuclear field, in particular deterrence cooperation, which would confine Switzerland's freedom of action in case of self-defence.

Switzerland's humanitarian tradition, and its efforts to foster peace and to promote human rights and international humanitarian law tend to favour its accession to the treaty. However, the preventive effect of the treaty with regard to the humanitarian consequences of the use of nuclear weapons will in reality be limited as long as the nuclear-armed states and their allies do not accept this prohibition.

3.3 Foreign and security policy dimension

The TPNW and Switzerland's position on it should be considered against the backdrop of a changing foreign and security policy environment. Switzerland currently faces new uncertainties, a tense international situation and a change in the nature of conflicts.

Nuclear weapons as a factor of security as well as uncertainty

In an environment shaped by rivalries and tensions, the role of nuclear weapons is once again gaining importance. They continue to act as a deterrent, in particular to prevent direct armed conflicts between major powers. However, nuclear weapons also involve risks, for example a nuclear exchange as a result of misperceptions. And as long as nuclear weapons exist, Switzerland still runs the risk of being affected by the direct or indirect consequences of a nuclear confrontation.

In principle, nuclear disarmament is therefore in the security interests of a non-nuclear-weapon state such as Switzerland. However, it is important to prevent uncoordinated or one-sided disarmament leading to greater instability and a heightened risk of military confrontations. Numerous global challenges still need to be overcome in order to guarantee security and stability in a world without nuclear weapons.

Asymmetric impact of nuclear weapons

It seems unlikely that a state would use armed force against Switzerland in the foreseeable future. But if the situation were to evolve unfavourably, such a threat cannot be ruled out in the long term. Since Switzerland's security is inextricably linked to that of its neighbours and, due to its location, particularly to that of NATO, nuclear weapons play a part in its security. NATO is a declared nuclear alliance and its member states say it will remain so as long as there are nuclear weapons in the world. As the declared goal of the TPNW is to delegitimise nuclear weapons, TPNW membership would have to be combined with a firm stance against the nuclear deterrence doctrine (e.g. in the context of meetings of states parties). Switzerland would pursue a position in clear opposition to the nuclear weapon states and their allies, although it has always advocated disarmament *with* and not *against* these states. Should the treaty have an impact on disarmament, this is likely to happen in liberal democracies with highly developed civil societies rather than in states with little or no critical public opinion. Ultimately, there is a risk that western nuclear weapon states and their allies would be weakened, and thus those partners that play a major role in the stability of our environment and thereby contribute to Switzerland's security and prosperity.

Legal or political barriers to bilateral and multilateral relations between armed forces

The treaty text does not in principle place any legal restrictions on military cooperation with nuclear weapon states or nuclear umbrella states, provided such cooperation is not aimed at developing, modernising, acquiring or using nuclear weapons. Based on current knowledge, other forms of cooperation are not likely to be affected.

However, it cannot be excluded that Switzerland would face politically-motivated restrictions on cooperation after acceding to the treaty. Both in the area of bilateral armed forces relations (the Swiss Armed Forces maintain close bilateral relations with their neighbours, including Germany, France and Italy) and in the area of cooperation with NATO as part of the Partnership for Peace (PfP), unilateral restrictions in relevant cooperation fields could not be ruled out. At least Switzerland's security policy dialogue with various states in its geographical region is likely to be adversely affected through accession to the TPNW. The large majority of the European states is critical of the treaty.

Alliance in the extreme case of self-defence against an armed attack

In the extreme case of self-defence against an armed attack, Switzerland would probably cooperate with other states or alliances, not least with nuclear weapon states or their allies. In this context, reliance on nuclear deterrence would not be excluded but narrowly confined by its obligations under international law. As a party to the TPNW, Switzerland would reduce its freedom of action and abandon the option of explicitly placing itself under a nuclear umbrella within the framework of such alliances. A defence alliance declared to involve purely

conventional means would (subject to the law of neutrality) not be explicitly affected by the TPNW. In reality, however, it would be difficult to differentiate conventional capabilities from a potential nuclear dimension. Furthermore, the treaty contains provisions whose impact on security cooperation cannot be fully assessed at present.

Conclusion

In legal terms, joining the TPNW is not likely to make existing forms of military cooperation impossible. However, a certain amount of political pressure may arise which could restrict certain dialogues and bilateral and multilateral forms of cooperation. From a foreign and security policy perspective, acceding to a treaty that not only calls into question the security doctrine of Switzerland's most relevant partners, but through the stigmatisation agenda directly attacks them, raises concerns. The associated risks therefore appear to outweigh the potential security policy opportunities of the TPNW.

3.4 Trade, industry, energy and research

A key question is whether joining the treaty would have implications for Switzerland's economic, energy and research policy.

Impact on export of goods related to nuclear weapons programmes

Under Art. 1 para. 1 let. e, the treaty prohibits parties from supporting (namely assisting, encouraging or inducing) activities banned under the TPNW.

Under Swiss law it is already prohibited to develop, produce, broker, acquire, transfer to anyone, import, export, carry in transit or store nuclear weapons, or to incite or assist anyone in carrying out such activities (Art.7 para. 1 of the War Material Act, WMA). The direct and indirect financing of such activities is also prohibited (cf. Art. 8b and 8c, WMA).

Under current regulations Switzerland refuses to grant export licences for goods covered by the Goods Control Act if there is reason to believe that the goods to be exported with civil and military applications are intended for the development, manufacture, use, passing on or deployment of nuclear weapons (Art. 3 para. 4 and Art. 6 para. 1 let. a of the Goods Control Ordinance GCO).

The prohibition of assistance in the TPNW is therefore likely to be consistent with the export regulations on war material and the goods control legislation applicable in Switzerland. If Switzerland were to join the TPNW, no legal amendments would consequently be necessary and the existing licensing practice could be maintained. In this regard, economic consequences are not expected.

Scope of the prohibition of assistance

The prohibition of assistance under the WMA also applies to acts carried out abroad if the acts violate international law agreements to which Switzerland is a party (Art. 7 para. 3 WMA). This therefore also affects the prohibition of financing set out under Art. 8b and 8c WMA. The NPT is decisive here. At present, it is not fully clarified whether in Swiss law support activities that are in line with the NPT are also prohibited. Because the TPNW generally prohibits the assistance of activities, unlike the NPT, joining the TPNW could remove this ambiguity.

The scope of the prohibition of assistance in the TPNW depends in particular on how it will be interpreted in future by the states parties. In particular, it would be important to define which support activities are covered by the prohibition. Although there are currently no signs of an extensive interpretation of the prohibition of assistance, an amendment of the corresponding legal provisions regarding the prohibition of financing (Art. 8b and 8c WMA) cannot be

completely excluded. The potential economic implications need to be reviewed once the scope of the prohibition of assistance under the TPNW is known.

Energy and research

Joining the TPNW would not affect Switzerland's energy supply, nor would it influence the IAEA's safeguard activities in Switzerland. Research in Switzerland would not be affected either.

Conclusion

According to the currently expected interpretation of the prohibition of assistance, which does not appear to go beyond current Swiss legislation and practice, joining the TPNW would not necessitate any amendments. Consequently, adverse economic consequences are not expected. However, a comprehensive and conclusive assessment of this can only be made over time.

4 Summary and overview

The TPNW is likely to have positive and negative effects. In general, the following arguments support acceding to the treaty:

- **Consistent with international law:** Compared with other weapons of mass destruction, there is a gap in international law. Nuclear weapons are the only category of weapons of mass destruction on which there is currently no comprehensive prohibition agreement in place. Switzerland supports the aim of the proposal to prohibit and abolish nuclear weapons alongside chemical and biological weapons. In Switzerland's view it is difficult to imagine how the use of nuclear weapons could be consistent with the requirements of international law, in particular international humanitarian law (particularly the principles of discrimination, proportionality, precautions; prohibition of unnecessary suffering, prohibition of long-term environmental damage). The TPNW reaffirms and complements existing prohibitions and restrictions under international law, and in particular stipulates the incompatibility of the use of nuclear weapons with international law. Over time, the TPNW could help achieve a normative effect and reinforce the 'taboo' associated with the use of nuclear weapons.
- **Motivated by humanitarian and peace policy concerns:** As depositary of the Geneva Conventions, host state of the ICRC and owing to its humanitarian policy, Switzerland assumes an advocacy role for international humanitarian law and humanitarian values. Acceding to the treaty would reflect this humanitarian tradition, its efforts to foster peace and to promote human rights and international humanitarian law.
- **Counterpoint to alarming developments:** The TPNW can be seen as a symbol against the greater emphasis on nuclear weapons, their ongoing modernisation and the renewed threat of an arms race, particularly against the backdrop of the worrying recent increase in rhetoric about the use of nuclear weapons.
- **Economically justifiable:** From an economic, energy and research policy perspective, acceding to the TPNW would seem acceptable as Switzerland's interests in this regard appear not to be affected by the treaty based on present knowledge. However, as part of a concrete review in view of an accession to the treaty, the prohibition of assistance would need to be analysed in depth. The corresponding potential economic implications need to be reviewed considering the scope of the prohibition of assistance under the TPNW.

On the other hand, the following are arguments against joining the treaty:

- **Minimal impact on disarmament:** The nuclear weapon states and their allies will not join the TPNW in the foreseeable future. Accordingly, there will not be any direct nuclear disarmament in the context of the TPNW. It can therefore be assumed that the treaty will remain purely declaratory in this regard. It is thus unclear whether the treaty will have a disarmament effect.
- **Questioning the Swiss approach of building bridges:** The TPNW's stigmatisation agenda without the involvement of key states is not in line with the Swiss approach, whereby disarmament should be carried out *with* and not *against* nuclear weapon states. The comprehensive prohibition also fundamentally questions the status quo (the existing nuclear order) and therefore takes a radical approach. It could also lead to uncertainties as the NPT in principle recognises the possession of nuclear weapons by five states, but this is precisely what the TPNW calls into question. A stigmatization of the nuclear weapon states is likely to further exacerbate the polarisation in disarmament diplomacy, which could in turn hinder further progress.
- **Risky from a security policy perspective:** Security policy considerations receive little attention in the TPNW. The agreement is in opposition to the security policy orientations of important partners of Switzerland. In the current international context, this involves considerable risks: (i) If, contrary to the preceding evaluation, the treaty was to have an impact on disarmament, this is likely to happen in liberal democracies with highly developed civil societies rather than in states with little or no critical public opinion. Ultimately, there is therefore a risk that western nuclear states and their allies would be militarily weakened. (ii) The treaty could also have negative political implications on bilateral armed forces relations and in extreme cases (national self-defence) would limit Switzerland's freedom of action. Even in a case of its self-defence, Switzerland would not be legally permitted to join a defence alliance which is based on nuclear deterrence. With regard to bilateral armed forces relations, it is also significant that neighbouring countries – Germany, France and Italy – strongly object to the TPNW. (iii) The agreement could also have negative political implications for Switzerland's cooperation with NATO states within the framework of the Partnership for Peace (PfP).
- **Secondary effects are unclear:** The treaty contains numerous provisions whose interpretation or implications can only be tentatively gauged at the current time, including: (i) The relationship between the TPNW and the NPT or the Comprehensive Nuclear Test Ban Treaty (CTBT): The legality of nuclear weapons is evaluated differently in the TPNW and NPT. It is not yet clear how states (that are party to both agreements) will handle this tension, and what the implications could be for the NPT. It cannot be excluded that parallel multilateral processes on the same or similar topics will be established and that certain forces may even try to undermine the centrality of the NPT. This is even more problematic given that the NPT and its nuclear order are already under a great deal of pressure. (ii) Due to the unclear scope of the prohibition of assistance contained in the treaty³ no conclusive statement can be made regarding exactly which actions it covers. It is thus not possible to make any comprehensive and conclusive statements on the economic implications. (iii) The treaty stipulates outdated verification standards as a minimum standard. The more appropriate standards for a prohibition treaty (IAEA additional protocol) are not mentioned. Reinforcement in the verification area would have been important for a prohibition treaty.

³ In accordance with Art. 1 let. e, each state party undertakes never under any circumstances to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a state party under the TPNW.

- **Little support so far for the treaty:** To date, 59 states have signed the treaty and 11 have ratified it. The treaty has a much lower level of support in the West than in other regions of the world. Only Austria and the Holy See have so far ratified the treaty; Ireland and New Zealand are likely to do so soon. Liechtenstein appears to be favourable vis-à-vis a ratification. Sweden's position remains uncertain and could be influenced by Switzerland's position. The treaty seems to enjoy a limited political acceptance in the European context since NATO states reject the treaty and currently only a few non-NATO states of the EU intend to ratify it.

5 Conclusions

In the working group's evaluation, humanitarian, international law and peace policy considerations favour an accession by Switzerland to the TPNW. Based on current knowledge, the treaty does not seem to compromise Swiss interests in the areas of trade, industry, energy and research. There are therefore few economic arguments against an accession. However, in the current international context, the TPNW entails risks in terms of both the further advancement of disarmament diplomacy and Switzerland's security policy interests. In addition, the evidence base in several of the areas under consideration remains incomplete. Certain developments are likely to be clarified only after the TPNW has entered into force resp. in the first years of its implementation.

In light of the foregoing considerations, the working group concludes that from today's perspective, for Switzerland the arguments against an accession to the TPNW outweigh the potential opportunities of an accession. However, Switzerland should remain active and committed on this issue. It shares the objective of a world without nuclear weapons and continues to be engaged in favour of nuclear disarmament. It is also keen to influence further discussions on the TPNW and its relationship to the NPT to ensure that it strengthens the nuclear disarmament and non-proliferation regime. Switzerland also intends to continue its intermediary position between nuclear armed states and non-nuclear-weapon states with a view to counter polarisation. In light of these considerations, it stands to reason that Switzerland should attend the first meetings of States Parties as an observer. By doing so, Switzerland would be in a position to (re-)evaluate its position on the treaty in the run-up to the first Review Conference (five years after entry into force of the TPNW).