

Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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English only

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Observing Meetings of States Parties to the Treaty on the Prohibition of Nuclear Weapons

Working paper submitted by the International Campaign to Abolish Nuclear Weapons

I. Introduction

1. States that are not yet willing to become parties to the 2017 Treaty on the Prohibition of Nuclear Weapons should, at a minimum, commit to attending Meetings of States Parties as observers. This enables them to engage constructively with States parties and gain a better understanding of efforts to implement the Treaty's provisions. While observer States do not have the right to participate in decision-making, they are able to share their views and contribute expertise.

2. States parties to the Treaty meet roughly every two years to consider and, where necessary, take decisions regarding the application and implementation of the Treaty, as well as decisions on further measures for nuclear disarmament. States not party to the Treaty, as well as relevant United Nations entities, other international organizations and non-governmental organizations, are invited to attend Meetings of States Parties "as observers" (article 8 (5) of the Treaty).

3. In the declaration adopted at the first Meeting of States Parties, held in June 2022, the States parties welcomed the "broad participation" of States not party to the Treaty as observers. The practice of observing treaty meetings or the work of international institutions is common in multilateral affairs. It allows States that have not yet subscribed to a particular treaty or joined an institution to see how it works and engage with it.

What is an observer State?

4. An observer State in the context of the Treaty on the Prohibition of Nuclear Weapons is a State that has not yet become a State party to the Treaty but attends a Meeting of States Parties to view the proceedings and, if it wishes, contribute to the debates by making statements or submitting papers. Properly understood, a State is an observer of a particular meeting, not of the Treaty itself. Once the meeting has concluded, the observing State does not have any official status under the Treaty (unless it has signed the Treaty, in which case it is a signatory State). Non-signatory



observers have no legal obligations with respect to the Treaty but are required to contribute to the costs of meetings that they attend.

II. Reasons for observing Meetings of States Parties

5. By attending Meetings of States Parties as an observer, a State can:

(a) Demonstrate its commitment to engaging constructively with States parties to the Treaty, even if it is not yet willing to accept a comprehensive legally binding prohibition on nuclear weapons for itself;

(b) Help to shape debates on the application and implementation of the Treaty, including with respect to disarmament verification, safeguards, victim assistance and environmental remediation;

(c) Raise directly with States parties any questions or concerns that it may have regarding specific aspects of the Treaty's application or implementation;

(d) Demonstrate its general support for United Nations processes aimed at advancing nuclear disarmament – which is especially important in the current international security environment, with heightened nuclear risks;

(e) Foster greater trust, goodwill and cooperation between States parties and States not party to the Treaty, in order to achieve better results and reduce polarization in the field of nuclear disarmament and non-proliferation;

(f) Show respect for the good-faith efforts of States parties to bring new impetus to disarmament work and advance the implementation of article VI of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons;

(g) Share its views on how best to advance nuclear disarmament and non-proliferation objectives and promote a range of measures for the verified, time-bound and irreversible elimination of nuclear weapons.

6. Attending Meetings of States Parties as an observer should not be seen as a substitute for joining the Treaty. Only by becoming a State party to the Treaty can a State contribute fully to the Treaty's implementation and norm setting. Nevertheless, observing Meetings of States Parties is a meaningful step in itself, and it does not imply that an observing State intends to become a State party in the future.

7. Attending Meetings of States Parties is an important way for States to fulfil their commitments (for example, as part of initiatives such as the Stockholm Initiative on Nuclear Disarmament) to support initiatives aimed at developing multilateral nuclear disarmament verification capacities and to interact with communities affected by the use and testing of nuclear weapons. Failure to attend Treaty meetings could cast doubt on a State's commitment to implementing its non-proliferation and disarmament obligations.

8. In April 2023, the High Representative for Disarmament Affairs, Izumi Nakamitsu, urged "States that have not signed or ratified the [Treaty] to study it in a serious manner that takes into account its articles, normative value and operation to date". She added that "there are plenty of topics, including victim assistance, environmental remediation, nuclear disarmament verification and further study of the humanitarian consequences of nuclear weapons, where both [Treaty] States parties and States that are not parties to the Treaty could benefit from mutual cooperation".

III. Rights of observer States

9. States observing a Meeting of States Parties are “observers”, as distinct from “participants”. They have different rights depending on whether or not they have signed the Treaty (see rule 53 of the rules of procedure adopted in 2022 at the first Meeting of States Parties):

(a) Signatories (States that have signed the Treaty but are not yet party to it) have the same rights as States parties, except that they may not participate in decision-making, speak in favour of or against any procedural motion or request, raise points of order or appeal against a ruling of the President;

(b) Other observers (States that have not signed the Treaty) may make oral statements, submit written statements and documents and receive official documents. Like signatories, they may not participate in decision-making, speak in favour of or against any procedural motion or request, raise points of order or appeal against a ruling of the President.

10. Unless decided otherwise by the President of the Meeting of States Parties, the States parties will be afforded the opportunity to speak first, followed by signatories and other observers (rule 20 of the rules of procedure).

11. The High Representative for Disarmament Affairs said in January 2023: “The Meetings of States parties to the [Treaty] are open to participation by all non-States parties as observers. Unlike many other treaties, observers to the [Treaty] meetings have wide-ranging opportunities to participate in discussions regarding the implementation of the Treaty and to gather first-hand insights regarding States parties’ views and plans.”

Intersessional work

12. In 2022, the first Meeting of States Parties established three informal working groups, on universalization, victim assistance and environmental remediation, and disarmament verification (article 4 of the Treaty), to coordinate work in the intersessional period (between Meetings of States Parties). The Co-Chairs of these working groups may invite interested signatories, experts and civil society partners, as well as “other relevant stakeholders”, to attend meetings of the groups as observers.

IV. First Meeting of States Parties

13. The first Meeting of States Parties was held in Vienna from 21 to 23 June 2022. A total of 34 States attended the meeting as observers, including 13 that had signed but not ratified the Treaty and 2 (Guatemala and Timor-Leste) that had recently ratified it but were not yet bound by it, as it had not entered into force for them. Half of the observer States delivered statements. Four members of the North Atlantic Treaty Organization (NATO), which currently defines itself as a “nuclear alliance”, attended the Meeting of States Parties as observers (Belgium, Germany, Netherlands (Kingdom of the) and Norway). Two States that had applied for NATO membership also attended as observers (Finland and Sweden).

14. The Secretary-General of the United Nations, António Guterres, said in a video message to the first Meeting of States Parties: “The Treaty on the Prohibition of Nuclear Weapons is an important step towards the common aspiration of a world without nuclear weapons. [The first Meeting of States Parties] brings together Governments, but also civil society groups and other observers. This wide participation reflects a central truth – disarmament is everybody’s business, because life itself is everybody’s business.”

V. Cost of observing Meetings of States Parties

15. The costs of Meetings of States Parties are borne by the States parties and the States attending the Meetings as observers, in accordance with the United Nations scale of assessment adjusted appropriately (article 9 of the Treaty).
