

TPNW Second Meeting of States Parties: Policy Overview

November 2023

Background

The Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW) is a key opportunity to continue to advance towards a nuclear-weapon-free world. Since the First Meeting of States Parties, the TPNW has proven that it is an evidence-based, action-oriented, serious, energetic and inclusive process to address the current context of heightened risks and challenge nuclear deterrence, nuclear sharing and a new nuclear arms race.

At the TPNW First Meeting of States Parties, states-parties adopted the Vienna Action Plan, with 50 concrete and progressive actions to implement the treaty and work towards a world free of nuclear weapons. The Vienna Action Plan created three informal working groups to take forward actions related to Article 4 on nuclear disarmament verification, Articles 6 and 7 on victim assistance, environmental remediation and international cooperation, and Article 12 on universalization. It also established a Scientific Advisory Group, as well as focal points or facilitators to advance actions on gender and the complementarity of the TPNW with other instruments. Additionally, the Vienna Action Plan also commits states to appoint national focal or contact points for work on Articles 4, 6 and 7 and 12.

This briefing paper provides an overview of the work that has taken place in each of these key areas in the Vienna Action Plan to take forward treaty implementation in the intersessional period since the First Meeting of States Parties and recommendations for the intersessional period between Second and Third Meeting of States Parties.

Humanitarian and Environmental Impact of Nuclear Weapons

The TPNW is based on recognition of the catastrophic humanitarian consequences of nuclear weapons, which is why the Second Meeting of States Parties will dedicate a thematic discussion to this topic. In the 2010 NPT Review Conference, parties to the treaty expressed their “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons”. This

gave impetus to future statements and the three humanitarian conferences on the subject. In March 2013, the Norwegian government hosted the first-ever intergovernmental conference to examine the humanitarian impact of nuclear weapons, bringing together diplomats from 128 states. In February 2014, the chair of the Second Conference on the Humanitarian Impact of Nuclear Weapons, held in Mexico, concluded that the time had come for a diplomatic process to ban nuclear weapons. In December 2014, as host of the Vienna Conference on the humanitarian impact of nuclear weapons, Austria issued the humanitarian pledge that was signed by 127 countries. Since then two subsequent humanitarian impact conferences have taken forward the humanitarian basis of the Treaty : in January 2021 and June 2022. Learn more about the humanitarian and environmental impacts of nuclear weapons [here](#).

General Debate

The General Debate provides an opportunity for governments to take stock of the progress states parties have made towards implementation of the Treaty and to place it in the current context of elevated nuclear risks. States may address the role of the TPNW's Article 1 prohibitions, including nuclear sharing, threats to use nuclear weapons and nuclear testing in Article 1.

States Parties have worked diligently to condemn any and all threats to use nuclear weapons in the intersessional period. These condemnations have taken many forms, including through bilateral discussions, regional meetings and national statements. Further, States Parties have diligently raised concerns about behaviours prohibited under the treaty, including proposals to station nuclear weapons on the territories of other states. Finally, a number of states, in their national implementation efforts, have ensured that no financial actors operating within their jurisdiction are providing any form of assistance (including financial assistance) to entities involved in producing, developing, manufacturing and stockpiling nuclear weapons.

See ICAN's briefing paper on the general debate for more information about points to raise in this section.

Nuclear Disarmament Verification: Article 4 Informal Working Group

The First Meeting of States Parties established an informal working group on the implementation of Article 4, "in particular work related to the future designation of a competent international authority or authorities." Article 4 of the TPNW, "Towards the elimination of nuclear weapons," outlines the pathways for the elimination of nuclear weapons of nuclear-armed states or states hosting other countries' nuclear weapons on their territories who wish to join the TPNW.

Vienna Action Plan

The Vienna Action Plan includes four actions, Actions 15-18, dedicated to the implementation of Article 4. States committed to discussing the competent international authority that would

verify disarmament under Article 4 (Action 15), designating national contact points on Article 4 (Action 16), elaborating on requirements for disarmament extension requests (Action 17) and committing to support progress on nuclear disarmament verification (Action 18).

Intersessional Progress

The working group, co-chaired by Mexico and New Zealand, achieved the following progress:

- Advanced discussion on the two verification pathways for a nuclear-armed state to join the TPNW: either by eliminating its arsenal and then joining the treaty or by joining the treaty first and then eliminating its arsenal.
- Considered questions around verification of the removal of nuclear weapons from operational status as required by the TPNW Article 4(2), the role of the International Atomic Energy Agency and the potential interplay between the two verification pathways.
- Collaborated closely with members of the Scientific Advisory Group, experts, scientists and civil society in discussing different technical aspects of disarmament verification.
- Prepared a report of its progress for the Second Meeting of States Parties.

Recommendations for 2MSP and next intersessional process

- Continue to consider new and innovative forms of cooperation with other nuclear disarmament verification discussions & the International Atomic Energy Agency.
- Continue further discussions towards developing a coherent approach on matters related to a competent international authority or authorities, from the general obligations of States parties to the specific mandate of the international authority or authorities, and providing guidance for the designation of authorities (Vienna Action Plan, Action 15).
- Continue further discussions on the specific requirements of extension requests related to Article 4 of the Treaty for nuclear-armed States' destruction of nuclear weapons or other nuclear explosive devices in their ownership, possession or control (Article 4(2)) and for the removal of such weapons or devices from nuclear hosting States (Article 4(4)). (Vienna Action Plan, Action 17).
- Submit a list of questions to the Scientific Advisory Group to clarify questions that arose from conversations during the first intersessional period.

Victim Assistance, Environmental Remediation and International Cooperation: Articles 6 & 7 Informal Working Group

The First Meeting of States Parties established an informal working group on victim assistance, environmental remediation, international cooperation and assistance in accordance with Articles 6 and 7 of the TPNW. Article 6 of the TPNW requires states parties to provide victim assistance and environmental remediation to individuals and areas “under their jurisdiction or control affected by the use or testing of nuclear weapons.” Article 7 requires all states parties in

a position to do so to provide assistance to affected states parties and to victims themselves, as well as obligating all states parties to cooperate to facilitate the treaty's implementation.

Vienna Action Plan

The Vienna Action Plan includes fourteen actions, Actions 19–32, dedicated to the implementation of Articles 6 and 7. The intersessional working group focused on three key themes: to discuss the feasibility of and propose guidelines for an international trust fund for affected states (Action 29), to consider developing a voluntary reporting format and for affected states parties to provide initial assessments of the effects of nuclear weapons use and testing (Actions 27 and 30), and to develop national plans for the implementation of these articles (Action 31).

Intersessional Progress

The working group, co-chaired by Kazakhstan and Kiribati, achieved the following progress:

- Pursued in-depth discussions on the structure of an international trust fund to finance work on Articles 6 and 7, including reviewing legal research on voluntary trust fund precedents that could be used in the design of a fund established by TPNW states parties.
- Explored the theme of voluntary reporting by states on their implementation of Articles 6 and 7, including suggestions on how reporting could be made non-burdensome, how states parties could be supported with reporting, and ensuring reports were accessible.
- Engaged with expert presentations on the impacts of nuclear weapons use and testing nationally, and current national measures in place to address these harms.
- Received recommendations from ICAN and other civil society groups, including affected community organisations, on the activities and principles states should focus on towards the 2MSP to fulfil the commitments they have made on the national implementation of victim assistance, environmental remediation and international cooperation and assistance.
- Prepared a report on the intersessional work of the informal working group, including proposed draft decisions for the Second Meeting of States Parties.

Recommendations for 2MSP and next intersessional process

- Build on and push forward national implementation work on victim assistance, environmental remediation and international cooperation and assistance. Milestones for 3MSP should be set, such as reporting on specific identified projects for international cooperation and assistance, and, for affected states, bringing national strategies and needs assessments building on their initial work for 2MSP (Vienna Action Plan, Actions 30–32).
- Use and further develop the draft voluntary reporting guidelines and formats proposed by the co-chairs of the informal working group, Kazakhstan and Kiribati, as per actions 27 and 28, to develop the implementation framework (Vienna Action Plan, Actions 24 and 26).
- Move forward on exploration of an international trust fund on victim assistance and environmental remediation (action 29), with the goal of establishing this at 3MSP.

- Reaffirm and strengthen commitments on inclusivity, including by resolving to intensify efforts to include affected communities (as per action 19) and exploring ways of working that uphold the principles agreed in action 25.
- Set out a program of work for the next intersessional period to move these decisions forward. The program of the intersessional working group in the next two years should include prioritising substantive topics, towards developing common understandings of good practice in implementing articles 6 and 7. These might include, for example, the range of harms to be addressed by article 6, and implementation ‘without discrimination.’

Universalisation: Article 12 Informal Working Group

At the First Meeting of States Parties, an informal working group was established to take forward intersessional work related to universalisation of the TPNW. Under Article 12 of the treaty, states parties must “encourage States not party to this Treaty to sign, ratify, accept, approve or accede to the Treaty, with the goal of universal adherence of all States to the Treaty”. Through the informal working group, states parties exchange information and develop recommendations to be considered at future meetings of states parties and review conferences, with the co-chairs reporting regularly to the coordinating committee.

In Vienna, TPNW states parties resolved “to make universalisation efforts a priority” (Action 1), vowing not to rest “until the last state has joined the Treaty” (Paragraph 16). They emphasised that universalisation should be “understood broadly” to include not only further signatures and ratifications, but also greater acceptance of “the underlying rationale of the total elimination of nuclear weapons owing to their inherent risks and catastrophic humanitarian consequences” (Paragraph 6). Moreover, it should “serve as a strategy to maximise the authority of the core norms and principles of the Treaty in international politics” (Paragraph 6).

Vienna Action Plan

The Vienna Action Plan lists 14 actions for universalisation, including making diplomatic démarches and outreach visits to the capitals of non-parties (Action 3), providing technical support for states to complete their ratification processes (Action 5), highlighting the importance of the treaty in national and regional statements (Action 9), and coordinating outreach efforts with partners such as the United Nations, the International Committee of the Red Cross and ICAN (Action 13). The states parties agreed to nominate national focal points to facilitate this work.

Intersessional Progress

The working group, co-chaired by Malaysia and South Africa, achieved the following progress:

- Malaysia and South Africa co-sponsored a high-level ceremony in September 2022 for further TPNW signatures and ratifications. Five states signed the treaty on this occasion (Barbados, Burkina Faso, Equatorial Guinea, Haiti and Sierra Leone) and two ratified it (the Dominican Republic and Democratic Republic of the Congo).

- South Africa, in partnership with ICAN and the International Committee of the Red Cross (ICRC), hosted a two-day seminar in Pretoria to take stock of the TPNW from a regional perspective and consider the need for further progress towards universalisation of the treaty on the continent.
- South Africa and Malaysia, in partnership with ICAN and the ICRC, convened working sessions with states and regional groups in New York and Geneva to share recent developments and to promote the universalisation of the TPNW ahead of the second meeting of states parties to the TPNW.

Recommendations for 2MSP and next intersessional process

- Call on all states that have not yet done so to sign, ratify or accede to the TPNW as soon as possible, with the goal of “universal adherence”.
- Reiterate the importance of advancing the universalization of the Treaty as a way to delegitimize, stigmatise and eliminate nuclear weapons
- Recommit to fulfil obligations under Article 12 to promote the treaty at the United Nations, in regional and international forums, in bilateral dealings, and in national context by calling on all states that have not yet done so to sign, ratify, or accede to the TPNW without delay.
- Organise, participate in and support any concerted efforts or activities to promote universalisation.

Scientific Advisory Group

The First Meeting of States Parties decided to create a Scientific Advisory Group composed of 15 members, taking into account the need for a comprehensive spread of relevant fields of scientific and technological expertise, gender balance and equitable geographical distribution.

Intersessional Progress

The Scientific Advisory Group (SAG) established two informal working groups:

- SAG Working Group 1 focused on nuclear weapons, including nuclear weapons status, nuclear weapon risks, the humanitarian consequences of nuclear weapons, nuclear disarmament and related issues. The Group discussed the legal and policy implications of the humanitarian impacts of nuclear weapons for States Parties to the TPNW.
- SAG Working Group 2 focused on scientific network building, namely identifying and engaging scientific and technical institutions in States Parties and more broadly to establish a network of experts to support the goals of the Treaty. Debates centered around a number of issues, including developing criteria for membership, the purpose of the network and the definition to be used for a scientific and technical institution and expert.
- Members of the Scientific Advisory Group prepared draft reports submitted to States Parties at the Second Meeting of States Parties.

Gender and Nuclear Weapons

The First Meeting of States Parties decided to appoint a focal point to work during the intersessional period to support the implementation of the gender provisions of the Treaty and report on progress made to the second Meeting of States Parties (Action 48).

The TPNW addresses gender in its preamble, in paragraphs 4 and 22, as well as in Article 6. Paragraph 4 recognises that the catastrophic impacts of nuclear weapons “have a disproportionate impact on women and girls, including as a result of ionising radiation” and paragraph 22 recognises “that the equal, full and effective participation of both women and men is an essential factor for the promotion and attainment of sustainable peace and security, and committed to supporting and strengthening the effective participation of women in nuclear disarmament.” Article 6 requires that victim assistance be provided in a manner that is “gender-sensitive.”

Vienna Action Plan

The Vienna Action Plan dedicates a section to implementing the gender provisions of the TPNW, actions 47–50, which recommend that “gender considerations are taken into account across all TPNW-related national policies, programs and projects” (Action 47), and that states parties begin work on developing guidelines on ensuring age- and gender- sensitive victim assistance (Action 49) and that gender perspectives are integrated into international cooperation and assistance (Action 50). Other actions in the Action Plan also address gender, such as the establishment of a “geographically diverse and gender balanced network of experts” to support the TPNW (Action 34).

Intersessional Progress

The Gender Focal Point achieved the following progress:

- Engaged with expert presentations on guidelines for gender- and age-sensitive victim assistance in relation to the TPNW’s Article 6 provisions, as well as guidelines for integrating gender perspectives in relation to the TPNW’s Article 7 provisions on international cooperation and assistance, including about how gender-sensitive guidelines and gender perspectives have been integrated into other treaty body victim assistance initiatives.
- Consulted experts about the gendered impacts of nuclear weapons.

Recommendations for 2MSP and next intersessional process

- Renew the mandate for a Gender Focal Point for the next intersessional period, in accordance with Vienna Action Plan Action 48;
- Continue discussions with a view towards developing recommendations for age- and gender-sensitive victim assistance, environmental remediation and international cooperation and assistance for the First Review Conference, in accordance with Vienna Action Plan Actions 49 and 50;
- Include women from affected communities, as well as academia and civil society in conversations and work to develop these guidelines;

- Continue discussions on how to integrate gender-related issues in all national policies, programs and projects related to this Treaty, with a view towards developing recommendations in this regard for the First Review Conference, in accordance with Vienna Action Plan Action 47.

Complementarity of the TPNW

Vienna Action Plan

The TPNW builds upon, contributes to and complements a rich and diverse disarmament and non-proliferation architecture. In the Vienna Action Plan, states parties agreed therefore to four actions, Actions 35–38, to “highlight and underscore these complementarities with specific disarmament instruments, particularly the Non-Proliferation Treaty.” States committed to “emphasise the complementarity of the Treaty with the existing disarmament and non-proliferation regime at appropriate opportunities, including preparatory meetings and review conferences of the Non-Proliferation Treaty, and with relevant multilateral nuclear disarmament-related initiatives and groupings” (Action 35), “to cooperate with other international bodies, such as the International Atomic Energy Agency and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, in order to enhance cooperation, including in the areas of nuclear safeguards and verification” (Action 37), and “to continue to work together on outreach projects in order to raise awareness” (Action 38).

Intersessional Progress

This group, co-chaired by Ireland and Thailand, achieved the following progress:

- Ireland and Thailand organised a panel discussion on Advancing the Complementarity of the TPNW with the Existing Disarmament and Non-Proliferation Regime, which aimed to promote an ongoing interactive dialogue.
- Ireland and Thailand, alongside AFCONE and ICAN, convened a Nuclear Non-Proliferation Treaty Review Conference side event that firmly established the complementarity of the Treaty on the Prohibition of Nuclear Weapons (TPNW), the nuclear-weapon-free zones, and the Comprehensive Test Ban Treaty (CTBT) with the Nuclear Non-Proliferation Treaty (NPT). The event featured seven presentations spanning the international legal architecture on nuclear nonproliferation and disarmament about the contributions of those regimes to the NPT and to each other.
- The group prepared a draft report on intersessional progress, including recommendations on how to build on this work at the Second Meeting of States Parties.

Recommendations for 2MSP and next intersessional process

- Continue implementing Actions 35–38 of the Vienna Action Plan, including to engage and cooperate with all stakeholders to emphasise the complementarity between the TPNW and the other elements of the disarmament and non-proliferation regime, and enhance cooperation with other international bodies, such as the International Atomic Energy Agency, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, nuclear-weapon-free zones, humanitarian agencies and international organisations.