

Overview of First Meeting of States Parties of the Treaty on the Prohibition of Nuclear Weapons

June 2021

Introduction

The First Meeting of States Parties (MSP) of the Treaty on the Prohibition of Nuclear Weapons (TPNW) will be held in Vienna, Austria on 12-14 January 2022. The President-designate of the meeting is Austrian ambassador Alexander Kmentt. As the official civil society coordinator of the MSP, ICAN will provide information to all interested non-governmental organisations about the preparations, registration, NGO participation and other civil society activities around the meeting, as it becomes available.

At the MSP, states will meet to discuss the universalisation and implementation of the TPNW, and should adopt a declaration and an action plan to take forward these goals. This short briefing paper provides an overview of the treaty's implementation articles and possible topics of discussion including references to recommendations and previously published work on each subject.

Article 1: Prohibitions

The [Nuclear Weapons Ban Monitor](#), which provides an assessment of state party compliance with the TPNW's prohibitions, in its latest edition found that all states parties and signatories to the TPNW were in compliance with Article 1 prohibitions. Unless this changes, compliance with Article 1 does not need to be a significant topic at the MSP.

Articles 2 & 3: Declarations and Safeguards

States are obligated under Article 2 to provide a declaration of their nuclear weapon status within 30 days of the treaty's entry into force for that state.¹ At this time all states

¹ For states who ratify or accede to the treaty after its general entry into force on 22 January, the treaty enters into force for them ninety days after their ratification.

have already submitted their declarations, which are [available on UNODA's website](#), so this is unlikely to be a significant topic of discussion at the MSP.

Article 3 requires states to adopt at minimum a comprehensive safeguards agreement with the International Atomic Energy Agency, which if they don't already have one, would need to enter into force within 18 months of entry into force of the treaty for that state. If they already have an Additional Protocol with the IAEA they must maintain it. Almost all states parties already have the safeguard agreements required by the TPNW in force and ICAN will call on all states to comply with this obligation and work to get more states parties to adopt an Additional Protocol.

Article 4: Elimination

The TPNW is the first multilateral instrument requiring the elimination of nuclear weapons and provides an important framework to develop nuclear disarmament verification measures. Article 4 of the TPNW requires that at the first meeting of states parties states set a deadline for the destruction of nuclear weapons for nuclear-armed states that join the treaty and for the removal of nuclear weapons on states-parties' territories. [One recommendation](#) that ICAN supports is for the destruction deadline to be 10 years, with a possible extension if required. Significantly shorter deadlines are appropriate for removing from bases and dismantling weapons and delivery systems, in conjunction with the 'immediate' deadline for removing the nuclear weapons from operational requirement as stipulated in Article 4.2 This recommendation is based on past and current experience with dismantlement rates and accounts for the additional time and effort necessary for destruction.

Article 4 also requires states to designate a competent international authority to verify the destruction of nuclear weapons, but this obligation is not time-bound and does not need to be settled at the first meeting of states-parties.

Article 5: National Implementation

Article 5 requires states parties to adopt the necessary measures to implement the treaty and to take all appropriate measures, including penal sanctions, to prevent and suppress activities banned by the treaty. Such national measures could include passing new legislation specific to the TPNW, as Ireland did with the [Prohibition of Nuclear Weapons Act of 2019](#), amending existing legislation, for example nuclear-weapon-free-zone laws, or taking non-legislative measures. For states that would adopt or amend legislation, the ICRC has produced a [model law](#).

This is also not a time-bound obligation that must be completed by the first meeting of states parties, but states may begin to assess their existing national measures and judge if they should be updated or revised in light of the TPNW. They may also make statements about their national implementation of the treaty at the first meeting of states parties.

Article 6 & 7: Victim Assistance, Environmental Assistance and International Cooperation

Article 6 requires states parties with individuals under its jurisdiction impacted by nuclear weapon use and testing to provide assistance and for states parties to take steps to remediate contaminated areas under its jurisdiction or control.

Article 7 requires states parties to cooperate to assist other states parties to implement all obligations of the treaty, and specifically to provide “technical, material and financial assistance” to states parties impacted by nuclear weapons use and testing to help implement Article 6.

These are long-term obligations, to be progressively realised and the effective involvement of impacted communities at every stage is essential. At the first meeting of states parties, states should discuss and agree on actions to take forward implementation of these articles focusing on putting in place a strong foundation for future work. For example, one [recommendation is](#) that the first meeting of states parties could call on states to “develop national victim assistance plans, appoint a government focal point, create a budget, and adopt relevant legal and administrative measures.”

Article 12: Universalisation

Article 12 requires states parties to urge states not party to join the TPNW and to work towards complete universalisation of the treaty. This is another incredibly important obligation that states should discuss and agree upon further specific actions to implement at the first meeting. For example, an action plan for universalisation could include calling on states to join the TPNW in statements in international fora, including the TPNW as an agenda item in bilateral meetings between foreign ministers, hosting a regional event to promote universalisation, and appointing a national coordinator responsible for overseeing Article 12 implementation.

ICAN has produced a full checklist with steps states can take at the national, bilateral and multilateral level to implement Article 12, [available here](#). Universalisation is also discussed in more depth in a [recent analysis](#) by Nick Ritchie and Austrian Ambassador Alexander Kmnett.

Agenda, rules of procedure & participation of observers

The first MSP will last for three days, and the agenda has not yet been established. An initial order of business will be to adopt the rules of procedure, which will include rules on the participation of observers, such as signatory states, non-signatory states and civil society. These rules of procedure will likely be negotiated in the autumn of 2021. ICAN should in particular focus on advocate for the rules of procedure to allow for the

full and effective participation of civil society, with a particular emphasis on inclusion of communities impacted by nuclear weapons.

Outcome

The MSP may consider adopting several documents to advance the treaty's implementation and universalisation after the meeting itself concludes, as previous first MSPs to similar treaties have done. These documents may consist of a political declaration, reaffirming support for the treaty and commitment to its obligations and an action plan with specific next steps to take forward its obligations. The next steps included in such documents may include individual or collective action on the articles listed above and establishing general or thematic intersessional working groups or an [implementation support unit](#).