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

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

Background

- Parties to the TPNW 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 that are not parties to the TPNW, as well as relevant United Nations entities, other international organisations, and non-governmental organisations, are invited to attend meetings of states parties “as observers” (article 8(5)).

- In the declaration adopted at the first meeting of states parties to the TPNW in June 2022, parties welcomed the “broad participation” of non-parties 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?

An observer is a state that has not yet become a party to the TPNW 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). Non-signatory observers have no legal obligations with respect to the TPNW but are required to contribute to the costs of meetings that they attend.

Why Observe TPNW Meetings

- By attending meetings of states parties to the TPNW as an observer, a state can:
  - Demonstrate its commitment to engaging constructively with TPNW parties, even if it is not yet willing to accept a comprehensive legally binding prohibition on nuclear weapons for itself;
  - Help shape debates on the application and implementation of the TPNW, including with respect to disarmament verification, safeguards, victim assistance, and environmental remediation;
  - Raise directly with parties any questions or concerns that it might have regarding specific aspects of the TPNW's application or implementation;
  - Demonstrate its general support for UN processes aimed at advancing nuclear disarmament – which is especially important in the current international security environment, with heightened nuclear risks;
  - Foster greater trust, goodwill, and cooperation between TPNW parties and non-parties, in order to achieve better results and reduce polarisation in the field of nuclear disarmament and non-proliferation;
  - Show respect for the good-faith efforts of TPNW parties to bring new impetus to disarmament work and advance implementation of article VI of the Non-Proliferation Treaty (NPT) (see TPNW–NPT complementarity);
  - 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.

- Attending meetings of states parties to the TPNW as an observer should not be seen as a substitute for joining the treaty. Only by becoming a TPNW party 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 – for the reasons outlined above – and does not imply that an observing state intends to become a party to the TPNW in the future.

- Attending TPNW meetings is an important way for states to fulfil their commitments (e.g. as part of the Stockholm Initiative) to support initiatives for developing multilateral nuclear disarmament verification capacities and to interact with communities affected by the use and testing of nuclear weapons.

- Failure to attend TPNW meetings could cast doubt on a state’s commitment to implementing its non-proliferation and disarmament obligations.

“The meetings of states parties to the TPNW are open to participation by all non-states parties as observers. Unlike many other treaties, observers to the TPNW 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.”

Izumi Nakamitsu, UN high representative for disarmament affairs, 2023

Rights of Observers

- States observing a meeting of states parties are “observers” as distinct from “participants”. They have different rights depending on whether they have signed the TPNW or not (see rule 53 of the rules of procedure adopted in 2022).

  ○ Signatories (states that have signed the TPNW but are not yet parties to it) have the same rights as 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.

  ○ Other observers (states that have not signed the TPNW) 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.

- Unless decided otherwise by the president of the meeting, parties will be afforded the opportunity to speak first, followed by signatories and other observers (rule 20).

- **Intersessional work:** The first meeting of states parties established three informal working groups to coordinate work in the intersessional period (i.e. between meetings of states parties) on universalisation, victim assistance and environmental remediation, and disarmament verification. 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.

> “I would ... urge states that have not signed or ratified the TPNW to study it in a serious manner that takes into account its articles, its normative value, and its operation to date. Of course, 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 TPNW states parties and non-states parties could benefit from mutual cooperation.”

*Izumi Nakamitsu, UN high representative for disarmament affairs, 2023*

**First Meeting of States Parties (2022)**

- The first meeting of states parties to the TPNW was held in Vienna from 21 to 23 June 2022. Thirty-four states attended the meeting as observers, including 13 that had signed but not ratified the treaty and two that had recently ratified it but were not yet bound by it (Guatemala and Timor-Leste).¹ Half of the observers delivered statements.

- Four members of the **North Atlantic Treaty Organisation (NATO)** – which in recent years has defined itself as a “nuclear alliance” – attended the meeting as observers (Belgium, Germany, the Netherlands, and Norway). Two states that had applied for NATO membership also attended as observers (Finland and Sweden).

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¹ Full list of states that observed the first meeting of states parties: Algeria, Australia, Belgium, Bosnia and Herzegovina, Brazil, Brunei, Burkina Faso, Burundi, the Democratic Republic of the Congo, the Dominican Republic, Finland, Germany, Ghana, Guatemala, Indonesia, Iraq, Libya, Liechtenstein, the Marshall Islands, Mauritania, Morocco, Mozambique, Nepal, the Netherlands, Niger, Norway, Qatar, Senegal, Singapore, Sweden, Switzerland, Tanzania, Timor-Leste, and Yemen.
“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.”

António Guterres, UN secretary-general, 2022

Second Meeting of States Parties (2023)

- The second meeting of states parties to the TPNW will be held in New York in November 2023. States wishing to attend the meeting as observers are encouraged to notify the UN Office for Disarmament Affairs in advance (TPNW@un.org). They need not submit formal credentials.

Cost of Observing Meetings

- The costs of meetings of states parties to the TPNW are borne by the parties and the states attending the meetings as observers, in accordance with the UN scale of assessment adjusted appropriately (article 9). (See the financial report of the first meeting of states parties to the TPNW for an indication of the costs that a state might expect to incur for its participation in future meetings.)