

# First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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Item 11 (g) (iii) of the provisional agenda\*

**Consideration of the status and operation of the Treaty and other matters important for achieving the objectives and purpose of the Treaty: other matters important for achieving the objectives and purpose of the Treaty, such as: intersessional structure for the implementation of the Treaty**

## Intersessional structure for the implementation of the Treaty

### Working paper submitted by the President-designate

#### I. Introduction

1. The effective future implementation of the Treaty will require continuous efforts by States parties. Hence, it is important to develop an efficient and effective structure for intersessional work between Meetings of States Parties or in the lead-up to Review Conferences that best facilitates the implementation needs of the Treaty. Establishing such an intersessional structure for the future implementation of the Treaty will therefore be one of the key decisions taken at the first Meeting of States Parties. Several substantive work strands have been developed through consultations and working papers, all of which contain different plans, actions and objectives for the implementation of the Treaty. The purpose of the present working paper is to draw upon these different work strands and develop ideas for a coherent intersessional structure that is workable, resource-appropriate, recognizes the capacities of States parties and is effective for current implementation requirements. In this context, it is important to bear in mind the value of a certain extent of flexibility, especially in the early stages of Treaty implementation. The decisions and the structure proposed in the paper aim to address the requirements for the initial phase of Treaty implementation. Decisions taken at the first Meeting of States Parties should be without prejudice to States parties' ability to amend and/or adapt them at subsequent Meetings of States Parties and Review Conferences in the light of future developments and different contexts.

#### II. General principles to be considered

2. The Treaty is a young treaty, with limited membership and limited human and financial resources available for its implementation at present. Intersessional work and the corresponding structures therefore need to take those factors into account and must:

- Be cost-effective, e.g., meetings and intersessional work should have very limited or, ideally, no cost implications.

\* [TPNW/MSP/2022/1](#).



- Not place too great a burden on delegations with limited capacity.
  - At the same time, be inclusive and allow participation of a broad range of stakeholders.
3. States parties should be looking for a flexible intersessional structure that relies as much as possible on informal and cost-effective means of working and that allows for the participation and involvement of a broad range of interested parties. This could, for example, entail using virtual or hybrid means wherever possible.
4. As stated above, any decision on the intersessional structure taken at the first Meeting of States Parties should be without prejudice to adaptation and changes at the second Meeting of States Parties (or subsequently, at the first Review Conference), in order to be able respond to different requirements or circumstances.

### **III. Substantive areas for intersessional work**

5. On the basis of the consultation process and the work on the different substantive issues, the following areas for intersessional work have emerged to date that will require a workable and resource-efficient intersessional structure:
- Implementation of the Treaty's positive obligations, i.e., victim assistance, environmental remediation, international cooperation and assistance, including discussions on the feasibility and establishment of a trust fund.
  - Implementation of article 4, including, in particular, work related to the future designation of (a) competent international authority(ies), e.g., discussion on competencies and future mandate, best practices, existing expertise, research needed, etc.
  - Implementation of article 12 (universalization), e.g., steps to promote further ratifications of the Treaty, as well as its underlying humanitarian and risk imperatives.
  - Harnessing scientific advice on the scientific and technical aspects related to the Treaty, as well as on the humanitarian consequences and risks of nuclear weapons.

### **IV. Suggested intersessional structure**

6. Consistent with the above-mentioned general principles and the substantive requirements, the following intersessional structure for the period leading up to the first Review Conference could be considered:
- Intersessional work will be conducted through informal working groups. These groups could be chaired by [two Co-Chairs] and should be open to the participation of all States parties, with the involvement of the International Committee of the Red Cross (ICRC), the International Campaign to Abolish Nuclear Weapons (ICAN), the Secretariat and relevant international organizations. Interested signatory States and additional experts and civil society partners as well as other relevant stakeholders can be invited to participate in the work of the informal working groups by the Co-Chairs in line with the guiding principle of inclusivity and the substantive requirements of the informal working groups.
  - No formal meetings are to be foreseen between Meetings of States Parties (except extraordinary meetings as stipulated in the Treaty, or possible future Preparatory Commissions).
  - Informal working groups on positive obligations, article 4 and on universalization will meet on a regular basis, including virtually, under the chairpersonship of [two Co-Chairs].

- The purpose of the informal working groups is to coordinate efforts regarding the implementation of the Treaty and decisions and actions agreed by the Meetings of States Parties, to exchange information and to develop recommendations to be considered at future Meetings of States Parties or Review Conferences.
- The first Meeting of States Parties will establish a Coordination Committee to coordinate the conduct and organization of intersessional work between Meetings of States Parties that could be comprised of the outgoing President of the Meeting of States Parties, the President of the subsequent Meeting (or Review Conference), the Co-Chairs of the informal working groups, with the participation of ICRC and ICAN, and supported by the Secretariat. The Co-Chairs of the Scientific Advisory Group – if established by the first Meeting of States Parties – would be invited to participate. The Coordination Committee would be chaired by the President of the next Meeting of States Parties (or Review Conference)<sup>1</sup> and should meet at least once every quarter or on an ad hoc basis, if necessary.
- The [Co-Chairs] of the informal working groups as well as the Chair of the Scientific Advisory Group would report regularly to the Coordination Committee and submit a written report on their activities to each Meeting of States Parties.
- The President would inform States parties on a regular basis of the activities undertaken by the Coordination Committee. This could be done in writing and/or through informal in-person or virtual meetings.

## V. Draft decisions on the intersessional work structure

### *Draft decision 1*

The Meeting of States Parties decides to establish a Coordination Committee to coordinate the conduct and organization of intersessional work between the first and second Meetings of States Parties. The Committee will comprise the outgoing President of the first Meeting, the President of the subsequent Meeting and the Co-Chairs of the informal working groups (see below), and with the participation of the International Committee of the Red Cross and International Campaign to Abolish Nuclear Weapons. The Co-Chairs of the Scientific Advisory Group can be invited to participate by the Coordination Committee.

In order to facilitate continuity of work, the outgoing President will chair the Coordination Committee until the halfway point between Meetings of States Parties (or with the Review Conference), at which time the Chair will be assumed by the President of the subsequent Meeting (or Review Conference).

The Coordination Committee will meet at least once every quarter or on an ad hoc basis, as necessary.

The Coordination Committee will be supported by the Secretariat.

### *Draft decision 2*

The Meeting of States Parties decides to establish the following informal working groups to coordinate and take forward the intersessional work between Meetings of States Parties (or Review Conferences):

- Informal working group on universalization.

<sup>1</sup> Given the fact that there is a two-year interval between the first Meeting of States Parties and the second Meeting and in order to facilitate continuity of work, the President of the first Meeting could chair the Coordination Committee in the first year and hand over to the President of the second Meeting at the halfway point.

This group will be co-chaired by [State 1 – State 2]:

- Informal working group on victim assistance, environmental remediation, international cooperation and assistance.

This group will be co-chaired by [State 1 – State 2]:

- Informal working group on the implementation of article 4, in particular work related to the future designation of (a) competent international authority(ies).

This group will be co-chaired by [State 1 – State 2]:

The Meeting of States Parties further decides

- That the informal working groups will be open to the participation of all States parties, with the involvement of the International Committee of the Red Cross, the International Campaign to Abolish Nuclear Weapons, the Secretariat and relevant international organizations. Interested signatory States and additional experts and civil society partners as well as other relevant stakeholders can be invited to participate in the work of the informal working groups by the Co-Chairs in line with the guiding principle of inclusivity and the substantive requirements of the respective informal working groups;
- That the informal working groups will meet on a regular basis, using also virtual or hybrid means wherever possible;
- That the purpose of the informal working groups is to coordinate efforts regarding the implementation of the Treaty and decisions and actions agreed by the Meeting of States Parties, to exchange information and to develop recommendations to be considered at future Meetings of States Parties or Review Conferences;
- That the Co-Chairs of the informal working groups as well as the Chair of the Scientific Advisory Group will submit regular reports to the Coordination Committee and submit a written report on their activities to each Meeting of States Parties;
- The President will inform States parties on a regular basis, in writing and/or through informal in-person or virtual meetings, of the activities undertaken by the Coordination Committee.

*Draft decision 3*

“[The Meeting of States Parties decides to appoint [State 1] as informal facilitator to further explore and articulate the possible areas of tangible cooperation between the Treaty on the Prohibition of Nuclear Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons during the intersessional period. The informal facilitator will submit recommendations for distribution through the Coordination Committee, as appropriate, and report to the second Meeting of States Parties.]”

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