

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

August 2021

Background

The first meeting of states parties (“1MSP”) to the Treaty on the Prohibition of Nuclear Weapons (TPNW) is scheduled to take place in early 2022. The United Nations Secretary-General sent a note verbale to invite all UN Member States to participate at the meeting, which is scheduled for 22 - 24 March 2022. States that have deposited their instrument of ratification or accession 90 days prior to 1MSP will be able to participate as states parties, and thereby entitled to voting and other rights to be determined by the rules of procedure.

Those states that, for whatever reason, are not able or willing to ratify or accede to the treaty in time may choose to observe the 1MSP. The practice of observing a conference of a treaty’s states parties, an organ of a treaty body, or an international institution is common in multilateral intergovernmental affairs.

Observing is important to show support for the principles and objectives of the TPNW, but it is not a substitute for joining the TPNW.

What does observing a meeting of states parties mean?

- As it concerns the TPNW, the right to observe a meeting of states parties is addressed by Article 8 of the treaty: “States not party to this Treaty, as well as the relevant entities of the United Nations system, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, shall be invited to attend the meetings of States Parties and the review conferences as observers.”
- The specific rights and obligations assigned to observing governments will be ultimately determined by the official Rules of Procedure of the TPNW, which will be adopted at the first session of 1MSP. A *draft* Rules of Procedure is in circulation among states parties.
- Observing 1MSP offers a means of participation for interested non-state party governments to follow the proceedings, to deliver statements outlining their positions, and/or to indicate support for the objectives of the treaty. The *draft* Rules of Procedure

outlines the following rights for observers: the possibility to make oral statements, to submit pertinent written statements, and to receive official documents.

- Observing states naturally have a more limited influence on the deliberations of the meeting than do states parties. According to the *draft* Rules of Procedure, observers may not participate in decision-making, make any procedural motion or request, raise points of order or appeal against a ruling of the President.
- Properly understood, a state is said to observe a particular meeting of states parties, not the treaty itself. There is no such designation as a “TPNW observer state” or claiming “official observer status” in perpetuity in relation to the TPNW.

Precedent

- Observing the meetings of a treaty is a well-established option to allow states or other actors beyond state parties to participate in discussions. For instance, the Convention on Cluster Munitions’ 1st Meeting of State Parties was observed by 34 states, many of which eventually became state parties.

How Much Does Observing the 1MSP Cost?

- Under Article 9, the TPNW clarifies that observers must contribute to the costs of the MSP alongside State Parties. The overall cost for the 1MSP has been estimated by the United Nations to be approximately USD 600,000. This amount will thus be shared according to the standard UN scale of assessment among all the states that attend the meeting.
- The initial per-country cost assessment was determined by the United Nations in June 2021 based on the list of states parties and countries which formally indicated they would observe. Costs for those states that subsequently ratify or decide to observe will therefore be calculated after the MSP.

Timeline

- There is no deadline for a government to announce that it will observe 1MSP. Interested states are in theory able to announce themselves to the organisers at any point during the meeting. However, early public commitments to observing the 1MSP are preferable and could help encourage other countries to observe as well, particularly among nuclear umbrella states.
- In addition to the signatory states which have communicated their intention to participate, Finland, Sweden and Switzerland (as of August 2021) have formally indicated to the United Nations that they will observe 1MSP.