

Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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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: complementarity of the Treaty with the existing nuclear disarmament and non-proliferation regime

Report of the informal facilitators 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, and other relevant nuclear disarmament and non-proliferation instruments (Ireland and Thailand)

I. Introduction

1. The present report highlights the activities and efforts of States parties, including the informal facilitators, international organizations, civil society organizations and other stakeholders, to enhance the complementarity between the Treaty on the Prohibition of Nuclear Weapons and the other disarmament and non-proliferation frameworks, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty Organization, the International Atomic Energy Agency (IAEA) and nuclear-weapon-free zone treaties, during the intersessional period. The informal facilitators drew from these activities and efforts towards articulating possible areas of tangible cooperation between the Treaty on the Prohibition of Nuclear Weapons and other nuclear disarmament and non-proliferation instruments. The report provides recommendations for decisions to be adopted at the second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons on the implementation of actions 35–38 of the Vienna Action Plan, adopted at the first Meeting of States Parties.

2. In preparing this report, activities and consultations were organized in person and online by the informal facilitators in collaboration with States, academia and civil society, including an online panel discussion entitled “Advancing the complementarity of the Treaty on the Prohibition of Nuclear Weapons with the existing disarmament and non-proliferation regime” in June 2023; and a side event entitled “Complementarity of the Treaty on the Prohibition of Nuclear Weapons with the Treaty on the Non-Proliferation of Nuclear Weapons, with a specific focus on the

* [TPNW/MSP/2023/1](#).



role of nuclear-weapon-free zones” at the first session of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in August 2023.

II. Efforts and activities of States parties, signatory States and other stakeholders

3. At the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the seventy-seventh session of the First Committee of the General Assembly, States parties and signatory States to the Treaty on the Prohibition of Nuclear Weapons were vocal in emphasizing the complementarity of the Treaty with other disarmament instruments, including in the form of a joint statement, particularly with regard to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. While the draft outcome document of the Review Conference was not adopted, it featured language on the Treaty on the Prohibition of Nuclear Weapons which was not seen as a divisive issue.

4. On 4 August 2022, Brazil, a signatory State, co-hosted a side event with Pugwash at the Review Conference on the relationship between the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons.

5. In March 2023, the International Campaign to Abolish Nuclear Weapons published a briefing note entitled “How the TPNW complements, reinforces, and builds on the NPT”,¹ which provides information regarding the role of the Treaty on the Prohibition of Nuclear Weapons in implementing article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, strengthening of the non-proliferation regime and engagement with the review process of the Treaty on the Non-Proliferation of Nuclear Weapons.

6. On 12 June 2023, the informal facilitators hosted a panel discussion on “Advancing the complementarity of the Treaty on the Prohibition of Nuclear Weapons with the existing disarmament and non-proliferation regime”, which covered: (a) the perspective of States parties and a signatory State to the Treaty on issues of complementarity in their national and regional contexts and possible cooperation between the Treaty and other international bodies; (b) the perspective of the International Campaign to Abolish Nuclear Weapons on the complementarity of the Treaty, in particular with respect to article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, and on how the Treaty on the Prohibition of Nuclear Weapons community can work with other stakeholders, including non-governmental organizations, on outreach projects to raise awareness; (c) the perspective of the International Committee of the Red Cross on the legal aspects of complementarity of the Treaty on the Prohibition of Nuclear Weapons with other disarmament and non-proliferation instruments; and (d) scientific and technical perspectives on the issue of complementarity.

7. States parties and signatory States to the Treaty on the Prohibition of Nuclear Weapons were likewise vocal, including in joint statements at the first session of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the seventy-eighth session of the First Committee of the General Assembly, in underlining the complementarity of the Treaty on the Prohibition of Nuclear Weapons with other disarmament instruments.

8. On 2 August 2023, Ireland, Thailand the International Campaign to Abolish Nuclear Weapons and the African Commission on Nuclear Energy hosted a side event

¹ See https://assets.nationbuilder.com/ican/pages/3204/attachments/original/1679360844/Briefing_Note_on_NPT-TPNW_Complementarity.pdf?1679360844.

entitled “Complementarity of the Treaty on the Prohibition of Nuclear Weapons with the Treaty on the Non-Proliferation of Nuclear Weapons, with a specific focus on the role of nuclear-weapon-free zones”. The panellists discussed and highlighted the synergies between the Treaty on the Prohibition of Nuclear Weapons and the nuclear-weapon-free zone treaties and their contribution to the Treaty on the Non-Proliferation of Nuclear Weapons as “effective measures” to advance the full and effective implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Panellists included States parties to both the Treaty on the Prohibition of Nuclear Weapons and the nuclear-weapon-free zone treaties and representatives of the Comprehensive Nuclear-Test-Ban Treaty Organization, the United Nations Institute for Disarmament Research, the African Commission on Nuclear Energy, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the International Campaign to Abolish Nuclear Weapons.

III. Findings

9. States parties, signatory States and other stakeholders on several different occasions throughout the intersessional period stressed the complementarity between the Treaty on the Prohibition of Nuclear Weapons and other disarmament and non-proliferation frameworks in their statements, highlighting the shared aim of the Treaty on the Prohibition of Nuclear Weapons, the Treaty on the Non-Proliferation of Nuclear Weapons and other frameworks of eliminating nuclear weapons. Both treaties are driven by a fundamental concern for the devastating humanitarian consequences of, and the environmental impact that would result from, any use of nuclear weapons and nuclear war.

10. The States parties and signatory States to the Treaty on the Prohibition of Nuclear Weapons reaffirmed that the Treaty is inspired by and serves to follow through on the shared aspiration enshrined in the preamble of the Treaty on the Non-Proliferation of Nuclear Weapons, the cornerstone of the nuclear disarmament and non-proliferation regime. The Treaty on the Non-Proliferation of Nuclear Weapons facilitates the non-proliferation and the peaceful use of nuclear energy, while the Treaty on the Prohibition of Nuclear Weapons sets out the path towards achieving the ultimate goal of general and complete nuclear disarmament. Moreover, in the Treaty on the Prohibition of Nuclear Weapons, some areas are addressed where States parties to the Treaty on the Non-Proliferation of Nuclear Weapons have failed to fulfil obligations, such as the obligation to pursue negotiations on effective measures under article VI, as well as issues not addressed by the Treaty on the Non-Proliferation of Nuclear Weapons, such as obligations related to victim assistance and environmental remediation.

11. In supporting complementarity with the Treaty on the Non-Proliferation of Nuclear Weapons, the International Committee of the Red Cross analysed obligations under the Treaty on the Prohibition of Nuclear Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons. The renunciation of the possession of nuclear weapons by States, including States that possess nuclear weapons, when they join the Treaty on the Prohibition of Nuclear Weapons in the future, is provided in the text of the Treaty. This is consistent with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, as the latter does not protect the status quo of indefinite possession of nuclear weapons. The Treaty on the Prohibition of Nuclear Weapons supports the overarching goal of the Treaty on the Non-Proliferation of Nuclear Weapons as a means of implementing article VI.

12. It was noted that the prohibition under the Treaty on the Prohibition of Nuclear Weapons of the possession of nuclear weapons by any State, including the five

nuclear-weapon States under the Treaty on the Non-Proliferation of Nuclear Weapons, does not constitute its superiority over the Treaty on the Non-Proliferation of Nuclear Weapons. However, this is in line with the rule set out in the Vienna Convention on the Law of Treaties on the application of successive treaties relating to the same subject matter.

13. Regarding international humanitarian law, according to the International Committee of the Red Cross, the Treaty on the Prohibition of Nuclear Weapons has filled the legal gap and addressed concerns raised in the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons regarding the catastrophic humanitarian consequences of nuclear weapons by establishing that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular rules and principles of international humanitarian law.

14. According to the International Committee of the Red Cross, victim assistance and environmental remediation under the Treaty on the Prohibition of Nuclear Weapons can help promote the object and purpose of the Treaty on the Non-Proliferation of Nuclear Weapons, including with respect to nuclear safety and security measures and principles for decontamination following nuclear accidents. The needs of communities affected by nuclear-weapons use and testing, as well as research and measures on environmental contamination, can also aid in informing approaches to responding to nuclear accidents that might result from peaceful uses, despite the obvious differences between a nuclear reactor-related accident and detonation of a nuclear weapon in terms of the scale of the consequences.

15. States expressed interest in exploring the complementarity with Security Council resolution [1540 \(2004\)](#), in which the Council provides compatible obligations, including calling upon all States to establish domestic control to prevent proliferation and promote dialogue and cooperation on non-proliferation of nuclear weapons and other weapons of mass destruction and their means of delivery. States also considered the possibility of cooperating with other United Nations mechanisms, including the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and the United Nations Scientific Committee on the Effects of Atomic Radiation.

Verification and transparency

16. The online panel discussion hosted by the informal facilitators in June 2023 addressed the recommendation provided in the working paper presented at the first Meeting of States Parties to enhance cooperation with other international bodies, such as IAEA and the Preparatory Commission for the Comprehensive Nuclear-Test Ban Treaty Organization, including in the areas of nuclear safeguards and verification.

17. The overlap, from the scientific and technical point of view, was highlighted among the issues of transparency, verification and irreversibility, which were identified in the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as three key principles of disarmament and which are likewise reflected in the approach of the Treaty on the Prohibition of Nuclear Weapons to achieving nuclear disarmament.

18. The panel noted the lack of transparency in disarmament and non-proliferation instruments to date and recalled the transparency provision in some of the arms control treaties between the former Union of Soviet Socialist Republics (succeeded by the Russian Federation) and the United States of America, including the New START Treaty.

19. The Treaty on the Prohibition of Nuclear Weapons sets aside the notion of bargaining transparency for security. For the Treaty, transparency is not part of the bargain, but rather conveys the assurance that a State party gives to its citizens and

other States parties as an affirmation of its compliance with all treaty obligations in good faith. Indeed, transparency serves as one of the effective measures for nuclear disarmament under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

20. It was noted that States parties to the Treaty on the Prohibition of Nuclear Weapons could explore transparency measures and the level of transparency of States, in the context of the Treaty on the Non-Proliferation of Nuclear Weapons, in relation to their past, current and planned nuclear activities in order to foster efforts towards nuclear disarmament negotiations and the development of irreversible, verifiable, time-bound and legally binding plans for the nuclear-weapon States to eliminate their nuclear weapons and join the Treaty on the Prohibition of Nuclear Weapons.

21. Such considerations could be applied to discussions on a fissile material cut-off treaty since transparency regarding past production of such material would be a key requirement for the elimination of nuclear weapons programmes. In this regard, once nuclear-weapon States give up all nuclear weapons and implement the time-bound plan, they will then conclude safeguards agreements with IAEA to ensure that all nuclear materials remain within the context of peaceful activities.

22. Furthermore, the discussion touched upon the complementarity between the transparency norms of the Treaty on the Prohibition of Nuclear Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. States parties to the Treaty on the Prohibition of Nuclear Weapons could advance those norms by sharing, inter alia, information on their past nuclear weapons, nuclear explosive devices or nuclear weapons programmes, including through declassifying relevant information.

23. Regarding verification and safeguards, States were encouraged to consider a broader concept of verification measures by voluntarily taking unilateral political or legally binding measures to demonstrate the transformation of their nuclear policies, institutions and investment and the capabilities of their nuclear-weapons programmes without the intervention of inspectors or the competent authorities. Indeed, such publicly available information is useful for the determination by IAEA of whether States have fulfilled their obligations under their nuclear safeguards agreements as specified in both treaties.

24. Moreover, it is worth noting that some States have completed their ratification of the Treaty on the Prohibition of Nuclear Weapons alongside the conclusion of comprehensive safeguards agreements and additional protocols with IAEA, attesting to the complementarity of the Treaty on the Prohibition of Nuclear Weapons and the international safeguards regime.

Treaty on the Prohibition of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty

25. The Treaty on the Prohibition of Nuclear Weapons contributes to the main objective of the Comprehensive Nuclear-Test-Ban Treaty by stipulating the prohibitions on the testing of nuclear weapons or other nuclear explosive devices under article 1 and sets forth the obligation to declare their past nuclear activities, which may include nuclear testing. Furthermore, the Treaty addresses the humanitarian consequences and environmental impacts of nuclear testing by including provisions on positive obligations and international cooperation and assistance.

26. The development of the International Monitoring System could potentially contribute to the effective implementation of positive obligations under the Treaty on the Prohibition of Nuclear Weapons by allowing States to explore past nuclear tests and examine their humanitarian consequences and environmental impacts and the

radioactive signatures of nuclear testing. Moreover, this would benefit the work of IAEA in the context of the requests of the organization for access to a test site to study the effects of radiation.

27. It was noted that the obligations under the Treaty on the Prohibition of Nuclear Weapons overlap with those of various international instruments on human rights and sustainable development and will similarly strengthen policy and practice in these areas and the area of the environment and it was also noted that complementarity goes beyond the existing nuclear disarmament and non-proliferation regime.² During the universal periodic review process, several States parties recommended adherence to the Treaty.³ This further highlights that the Treaty on the Prohibition of Nuclear Weapons can benefit both States parties and non-States parties in fulfilling other international obligations.

Treaty on the Prohibition of Nuclear Weapons and the nuclear-weapon-free zone treaties

28. Under article VII of the Treaty on the Non-Proliferation of Nuclear Weapons, the right of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories has been reaffirmed. Reflecting the adoption of an approach similar to that under the Treaty on the Prohibition of Nuclear Weapons, the nuclear-weapon-free zones reflect the shared responsibilities of their members for preventing any use of nuclear weapons and protecting the respective regions from nuclear weapons. The nuclear-weapon-free zone treaties are built upon efforts to harmonize the legal instruments on nuclear non-proliferation and disarmament at the regional and international levels.

29. Moreover, it has been suggested that members of nuclear-weapon-free zones are prime candidates for becoming parties to the Treaty on the Prohibition of Nuclear Weapons, as the nuclear-weapon-free zone treaties strengthen the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons. The International Campaign to Abolish Nuclear Weapons has noted that members of the zones can adhere to the Treaty on the Prohibition of Nuclear Weapons without taking on any additional substantive obligations.

30. In the report of the United Nations Institute for Disarmament Research (UNIDIR) on a Middle East zone free of nuclear weapons and other weapons of mass destruction,⁴ the Treaty on the Prohibition of Nuclear Weapons and the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) are referred to as relevant instruments for nuclear disarmament. In examining modalities of nuclear disarmament in the Middle East, the Institute suggests that States could draw from the disarmament obligations with general verification requirements under the Treaty on the Prohibition of Nuclear Weapons, as “the combination of parameters for the nuclear disarmament process and flexibility in tailoring this process to the specific disarmament context offers another model that can inform the design of the nuclear disarmament framework for the Middle East [weapons of mass destruction-free zone] treaty”.

31. Furthermore, some of the treaties provide other obligations extending beyond those of the Treaty on the Non-Proliferation of Nuclear Weapons, including on

² See “Complementarity beyond disarmament and non-proliferation”, working paper submitted by Mines Action Canada to the first Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons. Available at https://assets.nationbuilder.com/minesactioncanada/pages/339/attachments/original/1655221630/TPNW_MSP_Working_Paper_for_website.pdf?1655221630.

³ See www.ohchr.org/en/hr-bodies/upr/documentation.

⁴ See Tomisha Bino and Karin Haggag, “Examining modalities for nuclear disarmament in the Middle East WMD-free zone treaty” (Geneva, UNIDIR, June 2023), p. 16. Available at <https://unidir.org>.

environmental preservation in the zones and application of the full scope of safeguards to peaceful nuclear activities.⁵

32. It was recognized that the Treaty on the Prohibition of Nuclear Weapons features in the activities of some nuclear-weapon-free zones. Since its adoption, the discussions on the Treaty have taken place in different forums on activities related to the zones, including the twenty-seventh special session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, held in Mexico City on 17 November 2022; the commemorative event to mark the fourteenth anniversary of the entry into force of the African Nuclear-Weapon-Free Zone Treaty, held in Nairobi on 15 July 2023; and the regional conference on Humanitarian Consequences of Nuclear Weapons and the Central Asian Nuclear-Weapon-Free Zone, held in Kazakhstan on 29 August 2023.

33. States pointed out that the universalization of the Treaty on the Prohibition of Nuclear Weapons complements a comprehensive web of negative security assurances established by the nuclear-weapon-free zone treaties.

34. While emphasizing the complementarity among the disarmament treaties, States expressed concern that Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was the only protocol to a nuclear-weapon-free zone treaty signed and ratified by all five nuclear-weapon States. Moreover, it was emphasized that the nuclear-weapon States should respect the status of the zones and provide negative security assurances for the zones by not modifying obligations through reservations or interpretative declarations to the protocols to the nuclear-weapon-free zone treaties. Members of the zones therefore expressed the wish that the nuclear-weapon States would constructively engage with them in order to join the protocols or withdraw the reservations and interpretative declarations previously made.

35. Some of the representatives of the zones noted the importance of cooperation among the nuclear-weapon-free zones in promoting the universalization of the Treaty on the Prohibition of Nuclear Weapons, including through education and awareness-raising on the consequences and impacts of the weapons.

IV. Recommendations

36. The informal facilitators recommend that, at the second Meeting of States Parties, States parties:

(a) Welcome the work conducted in the intersessional period by States parties, signatory States and other stakeholders to emphasize the complementarity of the Treaty on the Prohibition of Nuclear Weapons with the other disarmament and non-proliferation frameworks at the appropriate opportunities, including at preparatory meetings and Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and with relevant multilateral nuclear disarmament-related initiatives and groupings;

(b) Continue to implement actions 35–38 of the Vienna Action Plan, including by engaging and cooperating with all stakeholders to emphasize the complementarity between the Treaty on the Prohibition of Nuclear Weapons and other disarmament and non-proliferation frameworks, including nuclear-weapon-free zone treaties, and continue and expand cooperation with other international bodies, including the Comprehensive Nuclear-Test-Ban Treaty Organization, IAEA, the Security Council

⁵ See, respectively, the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), article 7; and the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), article 5.

Committee established pursuant to resolution [1540 \(2004\)](#), the United Nations Scientific Committee on the Effects of Atomic Radiation, humanitarian agencies and international organizations, and nuclear-weapon-free zone treaty bodies;

(c) Engage with the Scientific Advisory Group and other relevant bodies to explore:

(i) Scientific and technical information that helps reconfirm the complementarity between the Treaty on the Prohibition of Nuclear Weapons, the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty;

(ii) Advice on technical and scientific aspects related to possible ratification, acceptance, approval or accession to the Treaty on the Prohibition of Nuclear Weapons;

(d) Encourage dialogue or consultation between the informal facilitators, States parties and non-States parties, including those interested in becoming States parties to the Treaty on the Prohibition of Nuclear Weapons;

(e) Identify and explore other aspects of complementarity, for example, with regard to gender considerations, environmental considerations, victim assistance, human rights and other related issues;

(f) Encourage continued cooperation between the Co-Chairs of the informal working groups, the informal facilitators, the gender focal point and the Co-Chairs of the Scientific Advisory Group;

(g) Renew the mandate of the informal facilitators 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 and other relevant nuclear disarmament and non-proliferation instruments.
