

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

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Item 11 (c) 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: towards the elimination of nuclear weapons (article 4)

Report of the Co-Chairs of the informal working group on the implementation of article 4 (Mexico and New Zealand)

I. Summary

1. In accordance with decision 4 (d) (iii) of the decisions of the first Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons,¹ the States Parties to the Treaty decided to establish an informal working group, co-chaired by Mexico and New Zealand, on the implementation of article 4, in particular on work related to the future designation of a competent international authority or authorities, between the first and second Meetings of States Parties.

2. The present report provides highlights of the activities of the working group through the convening by the Co-Chairs of five meetings of States Parties, members of the Scientific Advisory Group, the International Committee of the Red Cross, academia and civil society. The Co-Chairs invited the participation of experts in order to draw upon their views, where relevant, to assist with the efforts of the informal working group.

3. The informal working group reviewed the relevant action items for the implementation of article 4 under the Vienna Action Plan,² namely actions 15–18.

II. Issues under consideration

4. The participants in the informal working group reiterated that article 4 of the Treaty on the Prohibition of Nuclear Weapons was a fundamental provision of that disarmament treaty.

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

¹ [TPNW/MSP/2022/6](#), annex III.

² Ibid., annex II.



5. The Co-Chairs of and the participants in the informal working group recognized that implementing article 4 was a substantial endeavour that should be undertaken in a considered and holistic manner, and further recognized that the work of the informal working group on article 4 entailed effort over multiple years and intersessional periods.

6. The present report provides an overview of areas discussed by the Co-Chairs and the informal working group in the intersessional period from the first Meeting of States Parties, in June 2022, to the second Meeting of States Parties, in November 2023.

7. The Co-Chairs were guided by the following actions agreed in the Vienna Action Plan:

- Action 15: To pursue further discussions during the intersessional period towards developing a coherent approach on matters related to a competent international authority or authorities, from the general obligations of States Parties to the specific mandate of the international authority or authorities, and providing guidance for the designation of authorities
- Action 16: To designate within 90 days national contact points with regard to the designation of the competent international authority or authorities
- Action 17: To elaborate during the intersessional period on the specific requirements of extension requests related to article 4 of the Treaty for nuclear-armed States' destruction of nuclear weapons or other nuclear explosive devices in their ownership, possession or control (article 4 (2)) and for the removal of such weapons or devices from nuclear hosting States (article 4 (4)). This intersessional process should be based upon or informed by advice from the Scientific Advisory Group and information from relevant international technical agencies
- Action 18: To commit their best efforts to advancing and supporting progress on nuclear disarmament verification, while recognizing that verification is not an end in itself, nor a substitute for nuclear disarmament, but a positive enabler for progress on disarmament

8. During the intersessional period, the Co-Chairs of and participants in the informal working group made progress towards the operationalization of article 4 of the Treaty, which included substantive discussion on all the aforementioned actions.

9. With regard to action 15, the importance of developing a coherent approach on matters related to a competent international authority or authorities was emphasized, including to identify the basic requirements of such an authority or authorities, as set forth in the Treaty. It was recognized that, while article 4 is clear with regard to the functioning of an international authority or authorities as a negotiating and reporting body and as a verification mechanism, it gives flexibility and adaptability to States Parties to decide how to operationalize these general obligations and leaves open alternatives for deciding how best to achieve them. In the view of the Co-Chairs, States Parties should establish an incremental approach with regard to the designation of an international authority or authorities, guided by the principles of practicality, transparency, legitimacy and effectiveness.

10. With regard to action 16, national contact points were designated by 26 States Parties. The Co-Chairs of the working group continue to encourage all Parties that have not yet done so to designate their national contact points and communicate this information to the Secretariat.

11. With regard to action 17, the Co-Chairs of and the participants in the working group recognized the importance of elaborating on the specific requirements of

extension requests related to article 4 of the Treaty and received the input of scientific and policy experts. Moritz Kütt gave a presentation to the working group, in which he outlined a comparative analysis with other legal frameworks, identified the particularities associated with the nuclear weapons dismantlement process and identified potential reasons for delays. In the ensuing discussions, there was broad recognition that extensions for weapons removal could be necessary in extraordinary circumstances and that further work would be necessary to specify any potential extension criteria, ideate possible measures included in a detailed workplan and consider how to allow for verification of the basis for the request.

12. With regard to having a better understanding of the process for relevant States to join the Treaty under conditions set out in articles 4 (1) and 4 (2), in accordance with actions 17 and 18, the Co-Chairs produced an initial process map that served as a guide for intersessional discussions. This constituted the bulk of the work of the working group. Inputs on the process maps were heard orally and received in writing and included a presentation by Mr. Kütt. The working group sought to focus on the concrete aspects of both processes, including to recognize touchpoints and areas of particularity within each process map. This involved identifying technical aspects that will require further analysis.

13. The Co-Chairs and the working group considered how best to engage with other bodies in the work of the working group, including the International Atomic Energy Agency, as well as other international and regional organizations (e.g. those established under nuclear-weapon-free zones).

14. The working group committed to advancing and supporting progress on nuclear disarmament verification. A Senior Researcher at the United Nations Institute for Disarmament Research, Pavel Podvig, gave a detailed presentation to the working group on existing research relevant to the Treaty's nuclear disarmament verification provisions and highlighted useful next steps. This allowed for significant discussion with the participants and helped the Co-Chairs to identify further questions for input by the Scientific Advisory Group.

15. The working group recognized the value and deep expertise of the Scientific Advisory Group, and in that regard, the Co-Chairs have proposed an initial list of questions for submission to the Group (see annex). Further interrogation of these key questions will assist the working group's future efforts.

16. The Co-Chairs concluded that further work was needed across all areas outlined in the Vienna Action Plan, and that should continue through an adequate transition between intersessional periods to ensure continuity of the knowledge acquired and perspectives shared.

Annex

Questions for clarification through discussions and coordination with the Scientific Advisory Group

1. What are all the elements of a “nuclear weapons programme” for the purposes of article 4 of the Treaty on the Prohibition of Nuclear Weapons and how can their elimination be verified and by whom?
 2. What are relevant considerations for determining the type and standard of “cooperation” required for the purposes of verifying elimination of a nuclear weapons programme pursuant to article 4 of the Treaty?¹
 3. How can “irreversibility” of the elimination of a nuclear weapons programme be determined?
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¹ Under the existing International Atomic Energy Agency (IAEA) safeguards agreements, a range of cooperation is envisaged, e.g. providing reporting, information and access to IAEA both at the request of IAEA and as a standing obligation. In addition, guidance is provided in those agreements on the types of items that the Agency can request and what is considered “reasonable”. In article XII of the IAEA Statute (“Agency safeguards”), the rights and responsibilities of the Agency are laid out with respect to applying safeguards in a State (and from which a standard of “cooperation” can be distilled).