

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

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Item 11 (d) 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: victim assistance, environmental remediation and international cooperation and assistance (articles 6 and 7)

Report of the Co-Chairs of the informal working group on victim assistance, environmental remediation, international cooperation and assistance (Kazakhstan and Kiribati)

I. Summary

1. The present paper proposes recommendations for decisions to be made at the second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons on the implementation of articles 6 and 7 of the Treaty and actions 19 to 32 of the Vienna Action Plan, adopted at the first Meeting of States Parties.

2. During the period leading up to the second Meeting of States Parties, Kazakhstan and Kiribati, as Co-Chairs¹ of the informal working group on victim assistance, environmental remediation, international cooperation and assistance, convened substantive consultations in accordance with paragraph (f) of decision 4 of the first Meeting of States Parties. In addition to States parties, the Co-Chairs invited diverse stakeholders to the informal working group discussions, including representatives of academia, the International Committee of the Red Cross, the International Campaign to Abolish Nuclear Weapons and affected communities. The Co-Chairs convened a series of separate informal meetings with representatives of civil society and affected communities.

3. At the outset of their work, the Co-Chairs specified that, building on the commitments in the Vienna Action Plan, the informal working group would address three areas: national implementation measures, reporting and the feasibility of and possible guidelines for a voluntary trust fund. Recommendations for decisions to be made at the second Meeting of States Parties related to each of these areas are presented below.

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

¹ Kazakhstan and Kiribati were appointed as Co-Chairs by the first Meeting of States Parties in paragraph (d) (ii) of decision 4.



II. National implementation measures

4. In the Vienna Action Plan, States parties resolved to take steps to advance national implementation of articles 6 and 7 of the Treaty, some of which involved specific deadlines. Under action 30, affected States parties are called on to assess victims' needs, environmental contamination and national capacity to address them. According to the Action Plan, initial assessments, which could focus on existing knowledge related to the effects of nuclear weapons use and testing and responses to date, "should be completed by and shared with the second Meeting of States Parties". Under action 31, States parties resolved to develop national plans for implementing their victim assistance and environmental remediation obligations, including budgets and timetables, and to share progress with the second Meeting of States Parties.

5. The Vienna Action Plan at the same time recognizes the importance of providing support to affected States parties. Under action 31, States parties resolved that international cooperation and assistance should be provided "where needed" to help reduce the burden of developing national plans. Under action 32, States parties in a position to do so resolved to provide technical, material and financial assistance to help States parties "with clearly demonstrated needs" implement the Treaty on the Prohibition of Nuclear Weapons.

6. To contribute to this work, the informal working group has provided a forum for information exchange regarding the effects of nuclear weapons use and testing and responses to date. Experts from Governments, civil society and affected communities have given presentations to the informal working group on the situation in affected States parties and have answered questions.

7. These discussions increased knowledge of the situation in several affected States, the current responses and planning and the needs to be addressed. Moreover, the discussions provided a context for consideration of reporting guidelines and the feasibility of and possible guidelines for an international trust fund.

8. The Co-Chairs look forward to the provision by States parties at the second Meeting of States Parties of further information on their initial assessments and progress on national plans, international cooperation and assistance and proposals for promoting national implementation measures.

Recommendations and decisions

9. It is recommended that the second Meeting of States Parties recognize the importance of national implementation measures, including needs assessments, national plans and international cooperation and assistance, to fulfilling obligations under articles 6 and 7 and adopt the following decisions.

Decisions

10. The second Meeting of States Parties decides to renew the mandate of the informal working group on articles 6 and 7.

11. The second Meeting of States Parties also decides, in accordance with the principles agreed to under the Vienna Action Plan, to encourage:

(a) Affected States parties to build on their initial assessments and complete and/or further develop and begin to implement their national plans regarding victim assistance and environmental remediation;

(b) States parties in a position to do so to provide international cooperation and assistance for these efforts.

III. Reporting

12. Under action 27 of the Vienna Action Plan, States parties resolved to develop voluntary reporting guidelines for national measures related to articles 6 and 7 of the Treaty. Under action 28, they resolved to “consider developing a voluntary and a non-burdensome format for reporting” before the second Meeting of States Parties. These commitments were a response to the recognition in the Action Plan of the “importance of information exchange” (action 27). Reporting promotes monitoring and accountability by increasing transparency; leads to the sharing of expertise, which can improve victim assistance and environmental remediation; and facilitates international cooperation and assistance by illuminating the needs of affected States parties.

13. In accordance with action 27 and based on the discussions in the informal working group, the Co-Chairs propose voluntary reporting guidelines, that is to say, questions that States parties are encouraged to answer. Pursuant to action 28, a proposed voluntary reporting format is set out in the annex to the present report. States parties may enter information in this template regarding victim assistance, environmental remediation, international cooperation and assistance. While its use is optional, the format can simplify the process of reporting and, by standardizing that process, can facilitate data processing. States parties to other disarmament treaties have adopted similar voluntary guidelines and formats for reporting.²

14. These voluntary reporting guidelines and the annexed reporting format follow the criteria laid out in the actions 27 and 28 of the Vienna Action Plan. The guidelines and format aim towards being non-burdensome as well as voluntary. While they take into account “best practices for reporting under other disarmament treaties” (action 28), which provide useful models for reporting on comparable obligations, at the same time, they adapt existing best practices to the context of the Treaty on the Prohibition of Nuclear Weapons. Moreover, they encompass the suggested areas for reporting enumerated under action 28.

15. The Co-Chairs of the intersessional working group sought input for the development of the reporting guidelines and format from various stakeholders, including States parties, international organizations, civil society and affected communities. They held one meeting on this issue, which included an expert presentation and discussion, and circulated their proposal in writing for comment.

Recommendations and decision

16. It is recommended that the second Meeting of States Parties recognize the value of reporting on articles 6 and 7 and adopt the following decision.

Decision

17. The second Meeting of States Parties adopts, on a provisional basis, and recommends that States parties use the voluntary reporting guidelines set out below

² Disarmament treaties with voluntary reporting guidelines and formats including the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, the Convention on Cluster Munitions and Protocol V on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. For an in-depth analysis of reporting precedent under these treaties, see Harvard Law School International Human Rights Clinic, “Reporting guidelines for articles 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons: precedent and recommendations”, May 2023. Available at <https://humanrightsclinic.law.harvard.edu/wp-content/uploads/2023/05/TPNW-reporting-report-5-15-23-FINAL.pdf> (accessed on 15 October 2023).

and the voluntary reporting format annexed thereto and also recommends that States parties continue to review the voluntary reporting guidelines and format with a view to further improvement as part of the activities of the informal working group.

Voluntary reporting guidelines

18. The voluntary reporting guidelines on articles 6 and 7 of the Treaty and the annexed reporting format were designed to respond to the commitments laid out in the Vienna Action Plan. It is recommended that the second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons adopt them, on a provisional basis, and recommend that States parties use them. It is also recommended that the Meeting recommend continued review to further improve them as part of the activities of the informal working group on article 6 and 7.³

General Guidelines

19. In accordance with action 21 of the Vienna Action Plan, each State party should establish and report on its national focal point(s) for articles 6 and 7, providing the name of the government body and contact information.

20. The guidelines and forms related to victim assistance are generally applicable to States parties with individuals under their jurisdiction who are affected by the use or testing of nuclear weapons. The guidelines and forms related to environmental remediation are generally applicable to States parties with areas under their jurisdiction or control that are contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices. The guidelines and forms related to international cooperation and assistance are applicable to all States parties.

Victim assistance

21. To respond to action 28 of the Vienna Action Plan, reporting of affected States parties on victim assistance could take into account information on the effects of nuclear weapons in their territory and their progress in implementing their victim assistance obligations. States parties should also consider reporting on other, related matters covered by the Vienna Action Plan, such as development of a national implementation framework (actions 22 and 31) and measures to ensure inclusivity in the victim assistance process (actions 19, 25, 39 and 41).

22. It is recommended each State party report on:

- (a) Effects of nuclear weapons use and testing, including:
 - (i) Data on affected individuals, including estimated number and location and demographic information;
 - (ii) Types of harm experienced;
 - (iii) Needs reported;
 - (iv) Methodology of assessment;
 - (v) Extent of assessment and on where further assessment is needed;

³ The voluntary reporting guidelines and format associated with other disarmament treaties, on which the voluntary guidelines and format set out in this report draw, have often been refined and clarified over time.

- (vi) Criteria for determining who is an affected individual;⁴
- (b) Development of national implementation framework, including:
 - (i) National plans, with budgets and time frames;
 - (ii) National laws and policies;
- (c) Status and progress of the full range of victim assistance measures (e.g. medical care, rehabilitation and psychological support, as well as measures to promote social and economic inclusion), including:
 - (i) Type of assistance, number of victims, and location and duration of assistance;
 - (ii) Measures to ensure that victim assistance is accessible, age and gender sensitive, and non-discriminatory;
- (d) Efforts to involve affected communities, including Indigenous Peoples, and other stakeholders at all stages of the victim assistance process and to provide them with the data necessary to make informed decisions.

Environmental remediation

23. Consistent with action 28, reporting on environmental remediation could take into account information on “the effects of nuclear weapons in their territory” and “their progress in implementing” their environmental remediation obligations. States parties should consider reporting on other related matters covered by the Vienna Action Plan, such as development of a national implementation framework (actions 21, 22 and 31) and measures to ensure inclusivity in the environmental remediation process (actions 19, 39 and 41).

24. It is recommended each State party report on:

- (a) Areas known or suspected to be contaminated by use or testing of nuclear weapons, such as:
 - (i) Estimated size and location; type, degree, cause and date of contamination; and risks posed;
 - (ii) Methodology of assessment;
 - (iii) Extent of assessment and on where further assessment is needed;
 - (iv) Criteria for classifying areas as contaminated;
- (b) Development of a national implementation framework, including:
 - (i) National plans, with budgets and time frames;
 - (ii) National laws and policies;
- (c) Status and progress of the full range of environmental remediation measures, including:
 - (i) Details on measures ranging from assessment, treatment and transport to long-term management, including dates, locations, type and amount of contamination involved, and methods used;

⁴ The proposed voluntary guidelines and format solicit information on methodology and criteria for information gathering in order facilitate analysis of reports which may adopt different approaches to data collection, especially in the early years of reporting.

- (ii) Details on environmental, occupational, public health and safety and other precautions taken during the course of environmental remediation;
- (d) Status and progress of measures to reduce risks of civilian exposure, such as:
 - (i) Risk education programmes;
 - (ii) Marking and fencing, posting warnings of and monitoring contaminated areas;
- (e) Efforts to involve affected communities, including Indigenous Peoples, and other stakeholders at all stages of the environmental remediation process and to provide them with the data necessary to make informed decisions.

International cooperation and assistance

25. Reporting on international cooperation and assistance is relevant to all States parties. To be in accordance with action 28 of the Vienna Action Plan, the reports of affected States parties could take into account “where they may need external support” for victim assistance and environmental remediation, while the reports of other States parties should take into account assistance provided. Given that assistance can be delivered in a wide range of forms (material and technical as well as financial), in some cases, affected States may also provide assistance. To be comprehensive, States parties should consider breaking down reporting into three categories: assistance provided, assistance received and assistance requested. Under the first two categories, information would be provided on the progress made, while information in the last category would provide illumination on where more support would be beneficial.

26. It is recommended each State party report on:

- (a) Assistance provided for victim assistance and environmental remediation, including:
 - (i) Destination of assistance;
 - (ii) General sector and specific activities supported as well as results;
 - (iii) Type (financial, material, technical or other), amount and dates of assistance;
 - (iv) Delivery process (e.g. State to State or through the United Nations, international organizations, non-governmental organizations or trust funds, etc.);
 - (v) Efforts to engage with States that are not parties to the Treaty that have used or tested nuclear weapons on their provision of assistance to affected States Parties for victim assistance or environmental remediation;
- (b) Assistance received for victim assistance and environmental remediation, including:
 - (i) Destination of assistance;
 - (ii) General sector and specific activities supported, as well as results;
 - (iii) Type, amount and dates of assistance;
 - (iv) Delivery process;
- (c) Assistance requested for victim assistance and environmental remediation, including:
 - (i) Who requested assistance and of whom it was requested;

- (ii) Need(s) to be addressed;
- (iii) Sector, activities, type, amount and time frame of assistance;
- (d) Efforts to involve affected communities, including Indigenous Peoples, and other stakeholders at all stages of the international cooperation and assistance process.

Procedural elements

27. In determining the procedural elements of voluntary reporting, States parties can review the Vienna Action Plan. To be consistent with action 25, which emphasizes the importance of transparency, States parties should ensure that their reports are made publicly available. To make reporting less burdensome, States parties could follow the guidance provided under action 30 on assessments, focusing initial reports on “existing knowledge” and providing any new information and status updates in later reports. Assessing the impacts of nuclear weapons use and testing entails facing specific challenges and complexities worldwide, including with regard to access to relevant information which may not be held by affected States parties. The working group on articles 6 and 7 could therefore consider providing assistance in addressing this issue by following up with actors that may have such information. Under action 27, States parties are called on to include, “as appropriate”, deadlines for developing voluntary reporting. The informal working group could develop recommendations on reporting deadlines by the third Meeting of States Parties.

IV. International trust fund

28. Under action 29 of the Vienna Action Plan, States parties resolved to “discuss the feasibility of, and propose possible guidelines for, establishing an international trust fund” for affected States. A trust fund would serve to “provide aid to assist survivors and to support measures towards environmental remediation”. Such a fund would advance action 23, under which States parties in a position to do so are called on to “coordinate and develop mechanisms” to facilitate international cooperation and assistance to affected States. A trust fund could further the humanitarian goals of the Treaty while helping States parties fulfil their obligations under articles 6 and 7.

29. To initiate dialogue, the Co-Chairs presented the following series of questions on the establishment of an international trust fund to the States parties to the Treaty in December 2022:

- (a) Who should be allowed to contribute to a trust fund?
- (b) What should be eligible to receive grants from a trust fund?
- (c) What kinds of projects should be funded?
- (d) Who should make decisions regarding the disbursement of grants, and on what basis should they make their decisions?
- (e) Should there be restrictions on the length and size of grants?
- (f) What measures should exist for reporting and accountability?
- (g) What administrative structures are necessary?

30. The Co-Chairs held multiple consultations on the topic which included presentations by experts from government agencies, civil society and affected communities. Several States parties submitted written responses to the questions and participated in the discussions at these meetings. They expressed a strong interest in

the topic of a voluntary trust fund and its potential to help address the needs of affected communities.

Recommendations and decision

31. It is recommended that the second Meeting of States Parties adopt the following decision related to holding focused discussions regarding an international trust fund for victim assistance and environmental remediation.

Decision

32. The second Meeting of States Parties decides to hold focused discussions regarding the feasibility of and possible guidelines for an international trust fund for victim assistance and environmental remediation under the stewardship of the Co-Chairs of the working group on articles 6 and 7. Through these focused discussions, the working group will undertake the following activities, with the aim of recommending guidelines for establishing an international trust fund to the States parties by the time of the third Meeting of States Parties:

(a) Developing terms of reference for a trust fund: during the focused discussions, the informal working group will seek to develop the terms of reference for a trust fund which will be proposed for adoption at the third Meeting of States Parties. The terms of reference will take into account the following sources:

- (i) Terms of reference for voluntary trust funds associated with other treaties;
- (ii) Views on the structural and administrative aspects of a trust fund which emerged from answers to the questions laid out in the paper of the Co-Chairs of December 2022;
- (iii) Studies of experts, including but not limited to members of the Scientific Advisory Group and United Nations institutions (e.g. United Nations Institute for Disarmament Research), which would be solicited by the Co-Chairs of the informal working group;

(b) Reporting to the third Meeting of States parties: at the end of the intersessional period, the Co-Chairs of the working group will submit a report to the third Meeting of States Parties with recommendations related to the feasibility of and possibly guidelines for the establishment of a trust fund.

Annex

**Voluntary reporting format for articles 6 and 7 of the Treaty
on the Prohibition of Nuclear Weapons**

State party: _____

Reporting time period: _____

Focal point(s) for articles 6 and 7 (include name and contact information):

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COVER PAGE

To simplify the reporting process, this page can be used to indicate whether the information for specific forms during the reporting time period has changed, remains unchanged or is not applicable. Forms with information that is unchanged or not applicable need not be filled out.

State party: _____

Reporting time period: _____

Form A: Victim assistance

<i>Changed</i>	
<i>Unchanged</i>	
<i>Not applicable</i>	

Form B: Environmental remediation

<i>Changed</i>	
<i>Unchanged</i>	
<i>Not applicable</i>	

Form C: International cooperation and assistance (including assistance provided, received and requested)

<i>Changed</i>	
<i>Unchanged</i>	
<i>Not applicable</i>	

FORM A: VICTIM ASSISTANCE

State party: _____

Reporting time period: _____

(1) Effects of nuclear weapons use or testing

<i>Data on individuals affected by use or testing of nuclear weapons (e.g. estimated number and location and demographic information)</i>	<i>Types of harm experienced</i>	<i>Needs reported</i>	<i>Methodology of assessment</i>	<i>Extent of assessment and further assessment needed</i>	<i>Criteria used to determine who is an affected individual</i>

(2) National victim assistance framework

(a) National plans for victim assistance

<i>Development and implementation of national plans, including budgets and time frames (can include attachments)</i>

(b) National laws and policies related to victim assistance

<i>Adoption or adaptation and implementation of national laws and policies (can include attachments)</i>

(3) Status and progress of victim assistance measures

<i>Type of assistance provided or planned (including medical care, rehabilitation and psychological support, as well as measures to promote social and economic inclusion)</i>	<i>Number of affected individuals assisted</i>	<i>Location</i>	<i>Date and duration</i>	<i>Assistance provider</i>	<i>Efforts to ensure non-discrimination, age and gender sensitivity, and accessibility</i>

(4) Efforts to involve affected communities, including Indigenous Peoples, and other stakeholders at all stages of the victim assistance process (including but not limited to provision of information necessary for informed decision-making)

<i>Measure taken</i>	<i>Agency responsible</i>	<i>Stakeholder involved</i>	<i>Date or time frame</i>	<i>Other details</i>

FORM B: ENVIRONMENTAL REMEDIATION

State party: _____

Reporting time period: _____

(1) Areas contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices (specify whether areas are known or suspected contaminated areas)

<i>Estimated size and location of contaminated area</i>	<i>Type and degree of contamination</i>	<i>Cause and date of contamination</i>	<i>Risks posed</i>	<i>Methodology of assessment</i>	<i>Extent of assessment and further assessment needed</i>	<i>Criteria used to classify area as contaminated</i>

(2) National environmental remediation framework

(a) National plans for environmental remediation

<i>Development and implementation of national plans, including budgets and time frames (can include attachments)</i>

(b) National laws and policies related to environmental remediation

<i>Adoption or adaptation and implementation of national laws and policies (can include attachments)</i>

(3) Status and progress of environmental remediation measures

(a) Assessment of contaminated areas (results of assessment would be reported under question 1 above)

<i>Date</i>	<i>Location</i>	<i>Methodology</i>	<i>Extent completed</i>	<i>Work remaining</i>

(b) Treatment or containment of contamination

<i>Date</i>	<i>Location</i>	<i>Type of contamination</i>	<i>Amount of contamination</i>	<i>Method of treatment</i>

(c) Transport of contamination

<i>Date</i>	<i>Location (from where to where)</i>	<i>Type of contamination</i>	<i>Amount of contamination</i>	<i>Method of transport</i>

(d) Long-term management plan

<i>Location</i>	<i>Type of contamination</i>	<i>Amount of contamination</i>	<i>Expected duration</i>	<i>Details of management plan</i>

(e) Other remediation measures

<i>Details on other remediation measures not covered above (include comparable information)</i>

(f) Precautions

<i>Environmental, occupational, public health and safety and other precautions taken during the course of environmental remediation (including precaution taken, dates and point in environmental remediation process)</i>

(4) Status and progress of measures to reduce risks of civilian exposure to contamination

(a) Risk education

<i>Type of risk education</i>	<i>Community addressed</i>	<i>Date/time frame</i>	<i>Measures to ensure age and gender sensitivity</i>	<i>Other details</i>

(b) Other measures

<i>Measure (e.g. marking and fencing, posting warnings and monitoring)</i>	<i>Location</i>	<i>Date/time frame</i>	<i>Risk addressed</i>	<i>Other details</i>

(5) Efforts to involve affected communities, including Indigenous Peoples, and other stakeholders at all stages of the environmental remediation process (including but not limited to provision of information necessary for informed decision-making)

<i>Measure taken</i>	<i>Agency responsible</i>	<i>Stakeholders involved</i>	<i>Date or time frame</i>	<i>Other details</i>

FORM C: INTERNATIONAL COOPERATION AND ASSISTANCE

State party: _____

Reporting time period: _____

(1) International assistance provided

(a) Assistance under article 7

<i>Destination</i>	<i>Sector and specific activity</i>	<i>Type (e.g. financial, material, technical or information)</i>	<i>Amount (with currency, if relevant)</i>	<i>Date/time frame</i>	<i>Delivery process (e.g. bilateral or through United Nations, international organization, non-governmental organization or trust fund)</i>	<i>Results</i>

(b) Engagement and information exchange with States not Party that have used or tested nuclear weapons

<i>Efforts to engage and exchange information with States not Party that have used or tested nuclear weapons regarding their assistance to affected States parties for victim assistance and environmental remediation</i>

1) International assistance received

<i>Destination</i>	<i>Sector and specific activity</i>	<i>Type (e.g. financial, material, technical or information)</i>	<i>Amount (with currency, if relevant)</i>	<i>Date/time frame</i>	<i>Delivery process (e.g. bilateral or through United Nations, international organization, non-governmental organization or trust fund)</i>	<i>Results</i>

2) International assistance requested

<i>Who requested</i>	<i>To whom were requests directed</i>	<i>Need</i>	<i>Sector and specific activity</i>	<i>Type (e.g. financial, material, technical or information)</i>	<i>Amount (with currency, if relevant)</i>	<i>Date/time frame</i>

3) Efforts to involve affected communities, including Indigenous Peoples, and other stakeholders at all stages of the international cooperation and assistance process (including but not limited to provision of information necessary for informed decision-making)

<i>Measure taken</i>	<i>Agency responsible</i>	<i>Stakeholders involved</i>	<i>Date or time frame</i>	<i>Other details</i>
