

Third 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: 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 and international cooperation and assistance (Kazakhstan and Kiribati)

I. Summary

1. The present paper proposes recommendations for decisions to be adopted by the third Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons. The recommendations relate to the implementation of articles 6 and 7 of the Treaty; decision 4, adopted at the second Meeting of States Parties; and actions 19 to 32 of the Vienna Action Plan, adopted at the first Meeting of States Parties.

II. Context

2. During the period leading up to the third Meeting of States Parties, Kazakhstan and Kiribati, as Co-Chairs of the informal working group on victim assistance, environmental remediation and international cooperation and assistance, convened substantive consultations with States parties in accordance with paragraph (f) of decision 4 of the first Meeting of States Parties. The Co-Chairs invited Laurent Giselle, Head of the Arms and Conduct of Hostilities Unit at the Legal Division of the International Committee of the Red Cross (ICRC); Ivana Nikolić Hughes, President of the Nuclear Age Peace Foundation and member of the Scientific Advisory Group; Bonnie Docherty, Director of the Armed Conflict and Civilian Protection Initiative and a Lecturer on Law at the International Human Rights Clinic at Harvard Law School; and several representatives of affected communities to deliver presentations. In addition, the Co-Chairs invited diverse stakeholders to the informal working group discussions, including representatives of the International Campaign to Abolish Nuclear Weapons, ICRC, academia and affected communities from the Asia-Pacific and Central Asia regions, both of which have experienced the humanitarian and

* [TPNW/MSP/2025/1](#).



environmental effects of nuclear weapons. The Co-Chairs also convened a series of separate informal meetings with representatives of civil society and affected communities.

3. The Co-Chairs circulated a survey in April 2024 (see annex) to assess the views of States parties, civil society, academia and affected communities on elements of an international trust fund for victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons. Based on the responses received, the Co-Chairs concluded that there was sufficient interest to engage in substantive discussions within the informal working group on the establishment of an international trust fund.

4. The Co-Chairs also requested the Scientific Advisory Group to discuss the questions contained in the survey. Consequently, the Scientific Advisory Group established a subworking group on articles 6 and 7.

III. The need for an international trust fund

5. Numerous affected communities in States parties and signatories to the Treaty on the Prohibition of Nuclear Weapons, as well as in other countries, continue to suffer from the harm caused by the use or testing of nuclear weapons. For example, from 1957 to 1962, Kiritimati Island, Kiribati, was the site of 33 nuclear tests. The nuclear tests conducted on that island have left a lasting legacy of severe health issues among its inhabitants. The 500 citizens of Kiribati living in Kiritimati at the time of the tests received little protection and inadequate warning. Not being aware of the dangers of such tests, most of them lifted the tarpaulin cover provided to them for protection, unknowingly exposing themselves to the direct fallout of nuclear explosions. Many members of this community experienced a multitude of illnesses and health complications, such as cancer, congenital disabilities and birth defects. Such health issues have persisted for the descendants of those who were on the island.

6. To identify their needs for assistance that could be provided by the international community, as that can inform the delivery of support under article 7 of the Treaty, the Kiribati Office of Tourism for the Phoenix, Line and Gilbert Islands and young people in Kiribati, in collaboration with civil society groups and with support from the Permanent Mission of Kiribati to the United Nations, conducted an informal survey among 20 citizens of Kiritimati. The individuals surveyed emphasized the need for financial support through a multilateral mechanism, such as an international trust fund.

7. In the case of Kazakhstan, from 1949 to 1989, about 456 nuclear tests were conducted at the Semipalatinsk test site, including 30 surface, 86 aerial and 340 underground nuclear explosions. Those tests not only contaminated the test site and the surrounding environment, but also exposed the local population to radioactive fallout. Studies have found that, even 40 to 48 years after exposure to radiation, the average annual prevalence of the levels of most categories and classes of diseases among the affected population and their descendants was significantly higher than in the control groups. The studies also found significantly high rates of lung and bronchial cancer (among both men and women), breast cancer in women, eye cancer, cancer of the brain and other parts of the central nervous system, as well as of the haematopoietic and lymphoid tissue than in the control groups.

8. In the informal consultations conducted by the Co-Chairs with affected communities in both the Asia-Pacific and Central Asia regions, many affected community members discussed their medical ailments, including severe chronic and inborne diseases, psychological trauma and intergenerational genetic problems. They

also expressed frustration that medical studies conducted by States responsible for nuclear tests have remained mostly classified, leading to further trauma and, in some cases, hindering proper medical care for both first-, second-, third- and fourth-generation survivors. As a result, many affected communities stated that the trust fund should prioritize medical and psychological assistance to the victims and assist in the restoration and development of infrastructure in affected areas.

IV. The benefits of an international trust fund

9. Given the current state of communities affected by the use or testing of nuclear weapons, the lack of any institutionalized mechanism or international framework and the needs of affected States and communities, the Co-Chairs consider the establishment of an international trust fund to be an urgent matter. The proposed trust fund could serve the following key functions.

A. Provide humanitarian assistance to victims

10. Resources from an international trust fund could be used to conduct studies on the needs of affected communities. The establishment of the trust fund need not be dependent on the completion of a global needs assessment given the self-evident severity and pressing nature of the problem. Additional funding could be requested to facilitate the provision of medical, psychological, rehabilitation and other forms of humanitarian assistance to the victims of nuclear weapons, in fulfilment of article 6, paragraph 1.

B. Provide support to work towards environmental remediation

11. The trust fund could provide support for assessing and addressing environmental contamination from the use or testing of nuclear weapons. For example, assessments of the levels of background gamma radiation and mapping of the hotspots by scientists are crucial to informing the development of national policies. These policies may contribute to the implementation of article 6, paragraph 2, through such measures as the containment and treatment of radioactive materials, the removal of waste and the construction of safe long-term storage facilities. Even if the environment can never fully be restored to its pre-contamination state, every step towards remediation would be beneficial for reducing the inherent risks posed by radioactive contamination.

C. Help States parties to advance the implementation of articles 6 and 7 of the Treaty

12. Article 7, paragraph 3, of the Treaty stipulates that States parties in a position to do so shall provide technical, material and financial assistance to States parties affected by the use or testing of nuclear weapons. Article 7, paragraph 4, of the Treaty specifies that each State party in a position to do so shall provide assistance for the victims of the use or testing of nuclear weapons or other nuclear explosive devices.

13. An international trust fund would help States parties to fulfil their responsibilities under article 7 by equipping them with a suitable vehicle for providing international cooperation and assistance to affected States parties. In turn, the assistance provided would help affected States parties meet their obligations under article 6.

D. Articles 6 and 7 and universalization of the Treaty

14. The establishment of an international trust fund can also help promote the universalization of the Treaty. Specifically, the establishment of such a trust fund could encourage non-Treaty States that have traditionally supported victim assistance provisions in other treaties to make contributions and engage directly with the States parties to the Treaty. A number of non-Treaty States have already expressed interest in either providing bilateral funding or supporting an international trust fund. As such, there is ample ground for utilizing a trust fund as a means of providing an opportunity for non-Treaty States to engage with and support the Treaty on a broader basis.

15. It is the Co-Chairs' opinion that any type of engagement by non-Treaty States on supporting an international trust fund represents a step towards universalization of the Treaty. Specifically, a decision to contribute to an international trust fund could be utilized to further encourage the contributing State to examine the potential of gradually increasing its involvement in the Treaty in other aspects and activities.

V. Feasibility of an international trust fund

16. The Co-Chairs also considered the feasibility of an international trust fund in accordance with the portion of the mandate granted to the working group at the outcome of the second Meeting of States Parties.

A. Engagement in trust fund discussions

17. The interest in the prospect of a trust fund, present since early in the history of the Treaty, indicates strong support for the idea of establishing such a mechanism.

18. The Vienna Action Plan was adopted in 2022 at the first Meeting of States Parties. The Action Plan provides a mandate for States parties to engage in substantive discussions on the establishment of an international trust fund. Specifically, under action 29, States parties are called upon to “discuss the feasibility of, and propose possible guidelines for, establishing an international trust fund” to provide financial support for victim assistance and environmental remediation. This decision demonstrated a strong desire among States parties to lay the groundwork for an international trust fund.

19. In 2023, the second Meeting of States Parties, in its decision 4, took a further step and requested that a report be submitted to the third Meeting of States Parties with “recommendations related to the feasibility of, and possible guidelines for, the establishment of an international trust fund for victim assistance and environmental remediation, with the aim of examining the establishment of such a trust fund at the third Meeting of States Parties as a priority”.

20. During the intersessional period between the second and third Meetings of States Parties, the States parties and other stakeholders engaged in substantive discussions, responded to a survey on the establishment of an international trust fund and delivered meaningful presentations to the Co-Chairs.

B. Support for the trust fund from affected communities

21. Affected communities in particular have voiced strong support for an international trust fund. In a series of consultations with the Co-Chairs, affected communities from the Asia-Pacific and Central Asia regions stressed the need to

prioritize funding projects that support medical and psychological assistance to victims, restoration and development of infrastructures, ecological rehabilitation of lands, research on the long-term effects of the testing of nuclear weapons, preservation of the historical and cultural heritage of affected communities and regions, and educational projects for women and young people. Affected communities also have demonstrated a commitment to the trust fund by stressing their desire to be involved at all stages of the fund's work and underscoring that the success of an international trust fund depends on whether the interests of victims are taken into account. They also emphasized the need to establish an advisory panel within the fund's governing body and the need for members of that governing body to convene regular consultations with youth and civil society organizations from affected communities. The communities further called for robust mechanisms on transparency, accountability and oversight, and they recommended that awareness-raising campaigns on the establishment of the Fund be conducted, to ensure, in particular, that the authorities of affected States are adequately informed about ongoing efforts to establish the fund. Based on the active participation in meetings, survey responses and presentations by affected communities, the Co-Chairs believe that there is sufficient interest, in particular in the regions most affected by the testing of nuclear weapons, in this mechanism for States parties to consider it in detail.

C. Precedent

22. The Co-Chairs contend that existing trust funds within the context of international criminal, human rights and disarmament law provide clear precedent for the establishment of an international trust fund under the auspices of the Treaty. The precedents show that such an enterprise is possible.

23. In a presentation to the working group and an in-depth January 2023 report on the topic, Bonnie Docherty of Harvard Law School said that, while no trust fund provides a perfect model, States parties can learn from existing funds to establish one under the auspices of the Treaty.¹ The following funds² support victims of violations of international law:

- The Victims Trust Fund of the International Criminal Court
- The voluntary trust fund of the International Support Network for Victims of Chemical Weapons
- The United Nations Voluntary Fund for Victims of Torture
- The United Nations voluntary trust fund for victims of trafficking in persons, especially women and children

24. The Migrant and Refugee Fund of the Council of Europe Development Bank and the United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund are designed to advance human rights and well-being. Those trust funds' common mandate to assist affected persons is analogous to one of the purposes of the proposed trust fund for the Treaty: to "provide aid to assist survivors" of the use or testing of nuclear weapons.³

25. The following funds⁴ address either conventional arms or peaceful uses of nuclear energy:

¹ Harvard Law School, International Human Rights Clinic, *Designing a Trust Fund for the Treaty on the Prohibition of Nuclear Weapons: precedents and proposals* (January 2023).

² Ibid.

³ Ibid.

⁴ Ibid.

- The Arms Trade Treaty voluntary trust fund
- The Peaceful Uses Initiative of the International Atomic Energy Agency (IAEA)
- The United Nations Trust Fund Facility Supporting Cooperation on Arms Regulation
- The United Nations voluntary trust fund for assistance in mine action

26. Of those, the Peaceful Uses Initiative and the United Nations voluntary trust fund for assistance in mine action are particularly relevant to the environmental remediation objectives of the Treaty, because they deal with radioactive materials and remnants of war, respectively.⁵

D. Potential to be an effective and impactful tool

27. An international trust fund has the potential to be an effective and impactful tool to support victim assistance and environmental remediation. This is evident from the fact that, in the past, even limited support from the international community has enabled States to implement special programmes and projects for the treatment and care of affected populations. For instance, Kazakhstan partnered with IAEA to develop and implement projects for the rehabilitation of areas exposed to nuclear contamination, with the University of Haifa to study genetic changes in descendants whose parents were exposed to radiation, and with Hiroshima University to assess socio-psychological consequences for the population living in territories subjected to nuclear weapon tests. While such projects undoubtedly had a positive effect, they were implemented in an unsystematic manner and their scope and time frames were limited.

E. Terms of reference document

28. In August 2024, the Co-Chairs shared with States parties an initial draft of the terms of reference document for a trust fund on victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons.

29. The draft terms of reference document address the following:

- (a) Guiding principles
- (b) Board of trustees
- (c) Contributions to the fund
- (d) Application for assistance
- (e) Application of the Financial Regulations and Rules of the United Nations
- (f) Reporting
- (g) Implementing office
- (h) Programme support costs
- (i) Public disclosure
- (j) Closure of the fund
- (k) Revision

⁵ Ibid. A comparison of the key elements of different trust funds, an in-depth analysis of 10 trust funds and a table comparing the different funds can be found in the report.

30. The Co-Chairs have conducted extensive informal consultations with States parties, civil society groups and affected communities, and solicited inputs with a view to refining the draft terms of reference over the intersessional period. While various and sometimes differing views regarding certain elements of the draft terms of reference were expressed, the overall level of interest and engagement by all stakeholders suggests that a trust fund remains a feasible and beneficial way to implement articles 6 and 7, provided that additional changes to the text are comprehensively discussed and implemented.

31. A few areas in particular seem to require additional work. States parties expressed differing views on the involvement of affected communities, non-governmental organizations and academia in different elements of the trust fund. They also had differing views on voluntary contributions from different actors to the international trust fund, including, in particular, whether States parties should allow States not parties and other actors to contribute. Many members of affected communities and civil society groups expressed the need for the fund to accept contributions from all actors and underscored the importance of inclusivity in the decision-making process. Considering the divergent views on fundamental aspects of the fund, further discussions regarding those elements are necessary during the intersessional period between the third Meeting of States Parties and first Review Conference of the Treaty on the Prohibition of Nuclear Weapons.

32. The draft terms of reference represents the Co-Chairs' best effort to produce a compromise text based on the discussions that occurred in the intersessional period between second Meeting of States Parties and the third Meeting of States Parties. The document reflects, to the extent possible, the various views and proposals expressed during the consultations. At the same time, it does not yet represent a consensus, nor does it have a legal status. Accordingly, the document remains a non-paper that is to be used for internal reference only within the working group. Nevertheless, the Co-Chairs believe that the draft terms of reference can serve as a starting point for further informal consultations during the upcoming intersessional period and leading up to the first Review Conference.

VI. Recommendations

33. Recognizing the considerable need for States parties to take action on the establishment of an international trust fund, the Co-Chairs have prepared a set of guiding principles that they recommend inform ongoing discussions in the intersessional period between the third Meeting of States Parties and the first Review Conference. They have also developed draft decisions that they recommend be adopted at the third Meeting of States Parties.

A. Guiding principles of a possible international trust fund for victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons

34. The purpose of an international trust fund for victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons is to support States Parties in meeting their obligations under articles 6 and 7 of the Treaty and actions 23, 24, 29 and 32 of the Vienna Action Plan regarding assistance to victims, including survivors, of the use or testing of nuclear weapons, and measures towards environmental remediation of areas contaminated by the use or testing of nuclear weapons, in alignment with the humanitarian objectives of the

Treaty. The trust fund should emphasize the protection of human dignity, environmental sustainability and the credibility and authority of the Treaty.

35. The trust fund, in its design and operation, should uphold and be guided by the following key principles:

(a) Demand-driven: the fund's grant-making should be aimed at meeting the needs and priorities identified by affected States, communities and individuals and their representative organizations;

(b) Voluntariness: contributions to the fund will be voluntary and may be solicited from eligible governments, intergovernmental organizations, national institutions, non-governmental organizations, private entities and individuals;

(c) Inclusivity and partnerships: affected communities and individuals are expected to be consulted, as appropriate, at all stages of the trust fund's work, and States, international organizations and civil society groups should also collaborate to advance the fund's humanitarian ends. The fund will actively promote equitable geographical representation and gender balance among its participants;

(d) Accountability and transparency: all entities and activities associated with the trust fund, including the fund's governing body, donors and grant recipients, should be accountable to the States Parties through the Meeting of States Parties and the Review Conference and be transparent about their activities;

(e) Integrity: to safeguard the Treaty, the activities of the fund and its end goals should always advance and uphold the treaty's goals, credibility and authority. Ethical guidelines should be established to ensure that funding aligns with the fund's goals and credibility, explicitly excluding contributions from entities associated with the production or development of nuclear weapons;

(f) Sustainability: States parties should take all appropriate measures to ensure that the fund remains sustainable, viable and effective in both the short and long term, by, inter alia, addressing and specifying donorship criteria and adequately exploring various funding sources in a timely manner.

36. The governing body of the trust fund (e.g. "committee" or "executive board"), the composition of which will be determined by the States parties based on the principles of gender balance and equitable geographical distribution, will review grant applications, among other functions. The governing body will be accountable to States parties to the Treaty through the Meeting of States Parties and the Review Conference.

37. The trust fund should support a wide range of projects, including, inter alia, those that assist affected States parties and victims, including survivors, promote measures towards environmental remediation and build capacity for such activities. It may support projects at any stage of those activities, including projects related to national assessments of the humanitarian and environmental impacts of the use or testing of nuclear weapons, and development of national plans to address those impacts.

38. Trust fund grants may be directly utilized by or in conjunction with a wide array of competent implementing partners whose scope of work is aligned with the object and purposes of the trust fund and the Treaty, including, inter alia, United Nations agencies, international and regional organizations, civil society organizations and survivor organizations.

39. In addition to voluntary financial contributions, voluntary technical assistance and capacity-building will also be considered in the operation of the trust fund. South-South and triangular cooperation modalities should be fully explored.

40. The consultations of States Parties over the text of the technical provisions or terms of reference of the trust fund will involve meaningful engagement with and take into account guidance from affected communities and civil society groups, as well as scientific and technical experts supported by States parties. The process will emphasize collaboration and flexibility, allowing for periodic reviews and refinements to the fund's structure and operations. The informal working group on victim assistance, environmental remediation and international cooperation and assistance could continue to make progress towards establishing or refining the fund's draft terms of reference by, for example, consolidating and incorporating the results of consultations into future drafts or working on the basis of an informal rolling text.

B. Draft decisions for adoption by the third Meeting of States Parties to the Treaty

41. The Meeting of States Parties decides:

(a) That further focused discussions shall be held under the informal working group on victim assistance, environmental remediation and international cooperation and assistance, taking into account, inter alia, the possible guidelines, technical provisions or terms of reference for the establishment of an international trust fund for victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons (TPNW/MSP/2025/4) that is viable, effective and sustainable;

(b) That the Co-Chairs of the informal working group, after holding consultations with States Parties and interested stakeholders, will submit a report to the first Review Conference that contains the guidelines, technical provisions or terms of reference of an international trust fund for victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons, with the aim of establishing, if possible, such a trust fund at the first Review Conference;

(c) To ensure flexibility and promote progress in implementation of the humanitarian provisions of the treaty, the establishment of the international trust fund for victim assistance and environmental remediation from the consequences of the use or testing of nuclear weapons may proceed in a phased manner, informed by the set of guiding principles (TPNW/MSP/2025/4) and with the involvement of stakeholders in the development of guidelines, technical provisions or terms of reference.

Annex

Survey by the Co-Chairs, April 2024

Section I: eligibility and grants

- Who should be eligible to receive funding and grants from the trust fund?
- What kinds of projects should be funded?
- What should the criteria be for receiving funding?
- Should there be restrictions on the duration and size of grants?
- How should funds be disbursed?

Section II: institutional framework

- Who should be allowed to contribute to the trust fund?
- What should be the composition of the committee that makes decisions regarding the disbursement of funding and grants?
- How can we involve affected States and communities in the establishment of the trust fund?

Section III: reporting, accountability and administrative matters

- What measures should be in place to ensure reporting and accountability?
 - What mechanism should there be for appeals?
 - What administrative structures are necessary?
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