

## **Comments on the 11 July co-chairs' draft report of the informal working group on victim assistance, environmental remediation, and international cooperation and assistance**

**8 August 2023**

ICAN welcomes the co-chairs' paper, their leadership of the informal working group this intersessional period and the substantial work they have undertaken, and the opportunity to comment on this draft.

### **Overall recommendations**

ICAN welcomes the focus in the paper on implementing the [Vienna Action Plan](#) and the three areas for work the co-chairs identified at the start of the intersessional period. We recommend that states parties to the TPNW should:

- 1. Support the adoption of the draft decisions proposed in the paper at the upcoming second meeting of states parties (2MSP).**
  - Adopting the proposed voluntary reporting guidelines and format, and the steps towards a voluntary international trust fund, would be a strong continuation of states' work to establish robust and precedent-based structures and frameworks for the implementation of TPNW articles 6 and 7.
  - Through adopting these decisions, states parties would implement actions agreed in the Vienna Action Plan at the first meeting of states parties (1MSP).
  
- 2. Prioritize discussing the national implementation of articles 6 and 7, including working together on progress and challenges, during the remainder of the intersessional period, and beyond the 2MSP.**
  - National action is the core of states' collective work on victim assistance and environmental remediation. As well as developing further international structures to facilitate implementation, states parties should focus on driving forward practical steps nationally towards making real change with and for affected communities.
  - Sharing on national situations is also needed to inform the further development of international frameworks, and to facilitate international cooperation and assistance.
  - In their discussions, states parties should be sure to reflect on measures for inclusion.

Our further comments on the draft paper's main sections, and the theme of inclusivity, follow:

## **II. National implementation measures**

*ICAN welcomes:*

- **The recognition of the importance of national implementation measures in the recommendations.** This emphasizes where the central focus of states parties' efforts

should be. We also welcome the narrative report noting that discussions on national situations give context to considering reporting and an international trust fund.

- **The emphasis in the draft decisions on:** the **principles states agreed to** in implementing victim assistance and environmental remediation; **states parties building on work** they expect to have completed by 2MSP, according to commitments made in actions 30/31 of the Vienna Action Plan on initial assessments and plans; and highlighting **international cooperation and assistance**, which is a crucial part of the TPNW framework.

*States parties should go further by:*

- **Highlighting substantive topics** that the informal working group should discuss and seek input on during the next intersessional period, towards developing common understandings on good practice in implementing articles 6 and 7. Based on discussions so far, topics could include:
  - Implementing victim assistance ‘without discrimination’
  - The range of harms that should be addressed in accordance with applicable law
  - The variety of radiation safety standards used worldwide and their relevance to victim assistance and environmental remediation
- **Spelling out the principles for implementation agreed** under the Vienna Action Plan, and reaffirming states’ commitments in action 19 and 25 on inclusivity, particularly to “consult with, actively involve and disseminate information to affected communities”
- **Setting commitments or milestones for 3MSP** on national implementation, to demonstrate how their work is moving forward. These would depend on the progress states parties have made by 2MSP: for this reason, it would be beneficial for states parties to convene before 2MSP to share what they expect to report. Possible commitments for 3MSP could include:
  - Affected states **resolving to conduct and share needs assessments with 3MSP**, following up on the information gaps identified in the initial assessments presented to 2MSP
  - Affected states **resolving to further develop a national strategy and share this and steps to implement it with 3MSP**, building on information shared at 2MSP
  - Other states **identifying specific projects of international cooperation and assistance** that they will undertake and share with 3MSP, based on identified needs for implementation work internationally or nationally

### III. Reporting

*ICAN welcomes:*

- **The proposed decision to adopt the voluntary reporting guidelines and format** in the paper. Doing so would: implement Vienna Action Plan actions 27 and 28; be a useful step in elaborating the framework for implementation; and be a strong concrete outcome for the 2MSP in this area of the TPNW.
- **The proposed decision to recommend that these be used by states parties.** If those with information to report used these tools, this would produce consistent, high quality data demonstrating some of the work taking place under the TPNW.

- **That the proposed voluntary guidelines and format draw from well-established models** in other disarmament treaties. This should mean the guidelines and format are readily usable, and should contribute to their being non-burdensome to states parties.
- **The structure and content of the draft voluntary guidelines and format**, which facilitates states parties to highlight the ongoing humanitarian impacts of nuclear weapons, their work to address these, and the need for global action on these issues. The draft voluntary guidelines and format give structure to information states parties will already be working with for their implementation of articles 6 and 7, so should not create an undue burden. They also provide a tool for affected states to share their needs, which facilitates international cooperation and assistance.
- **The inclusion of all the items elaborated in the guidelines and format**, and highlight the importance of encouraging reporting on:
  - Criteria for determining who are affected individuals/contaminated areas, as standards vary
  - The full range of victim assistance measures, given the holistic nature of article 6
  - Efforts for the inclusion of “affected communities, Indigenous Peoples and other stakeholders” given actions 19 and 25 of the Vienna Action Plan
  - The provision of international assistance, which encourages other states to support affected states and promotes shared responsibility
  - Efforts to engage with states not party, given action 20 of the Vienna Action Plan
- **The recommendation in the draft guidelines that reports be made publicly available.** States have committed to transparency. Showing the needs of states, ongoing work, and the benefits of implementation can also encourage states not party to join the TPNW.

*States parties should go further by:*

- **Encouraging others to use the reporting guidelines and formats where relevant** – such as international, regional, and non-governmental organizations – to share information on activities they have engaged in that contribute to the goals and purpose of articles 6 and 7, or work to specifically deliver international cooperation and assistance.
- **Ensuring that the guidelines and format encourage states parties to report on gaps** in their current programming e.g. known affected populations that are under-served, or needs that are unaddressed.
- **Committing to ensure reports will be accessible to stakeholders** e.g. through translation, appropriate formats
- Before the 2MSP (i.e. not in the text of this paper), **one or more states parties committing to voluntarily pilot** the use of the draft guidelines and format to share information on implementation at 2MSP, to demonstrate these tools’ feasibility.

#### IV. International trust fund

*ICAN welcomes:*

- **The draft decision to establish a sub-working group on a voluntary international trust fund.** This would help push forward the implementation of Vienna Action Plan action 29 effectively, and allow the broader informal working group on victim assistance,

environmental remediation and international cooperation and assistance to focus on other implementation issues.

- **The goal of adopting guidelines for establishing an international trust fund at 3MSP.** ICAN urges states parties to be ambitious: they should aim to take the decision to establish a trust fund at 3MSP, and undertake all necessary preparations during the next intersessional period so that the trust fund can commence its operations straight away (including ensuring financing).
- **The proposed activities of the sub-group, including developing terms of reference and structural/ administrative elements.** This should include reaching agreement on the questions the co-chairs circulated this intersessional period, taking into account responses already submitted (ICAN's is available [here](#)).
- **The proposal to request studies** as needed to advance this work. **Topics could include** a review of the different structural options and funding models for the administrative support a trust fund would require, as well as the policies and procedures it could adopt. Such studies should review a range of options rather than relying on any one precedent.

*States parties should go further by:*

- **Committing a mix of affected, donor and other TPNW states parties committing to facilitate the sub-working group.** We believe this would assist states in preparing effectively for a trust fund's establishment, operation and leadership.
- **Reaffirming that the ways of working of the sub-working group** will be guided by the principles and commitments outlined in actions 19 and 25 of the Vienna Action Plan

## Inclusivity

ICAN's priority is that implementation centers the rights, needs, expertise and advocacy of affected communities. We commend states parties for their commitments to inclusivity and collaborative ways of working with a range of stakeholders. This is crucial to the TPNW's success and impact. We welcome the co-chairs' commitment to consult, include and work together with a wide range of experts during the intersessional period, including civil society and affected communities, and the steps they have taken to do this that are reported in the draft paper.

**To reaffirm and strengthen states parties' commitments and work in this area, we recommend the draft paper also includes a proposed decision that:**

- Decides to reaffirm actions 19 and 25 of the Vienna Action Plan.
- In line with action 19, resolves to intensify efforts to include affected communities and increase the participation of those from TPNW states parties in the work of implementing articles 6 and 7, including in the work of the informal working group.
- Resolves to examine ways of working on articles 6 and 7 to ensure that principles of accessibility, inclusivity, non-discrimination and transparency are upheld, including in the work of the informal working group

ICAN previously made initial recommendations on inclusion in the TPNW's intersessional process that are available [here](#).