



**VOLUNTARY REPORTING UNDER THE
TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS:**

FREQUENTLY ASKED QUESTIONS

October 2023

Reporting advances the implementation of any treaty, and states parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW) have already recognized its importance. In the Vienna Action Plan, adopted at the TPNW First Meeting of States Parties (1MSP) in June 2022, states parties committed to “developing guidelines for voluntary reporting on national measures related to victim assistance, environmental remediation, and international cooperation and assistance.”¹ They also resolved to “consider developing a voluntary and non-burdensome format for reporting” during the intersessional period in the lead-up to the Second Meeting of States Parties (2MSP). States parties agreed to “take into account best practices for reporting under other disarmament treaties.”²

To inform this process, the Harvard Law School International Human Rights Clinic (IHRC) produced an in-depth study in May 2023 that compared the reporting regimes of three other disarmament and arms-related treaties.³ Drawing on this precedent and adapting it as necessary to the nuclear weapons context, IHRC made recommendations for the establishment of reporting guidelines for Articles 6 and 7 of the TPNW.⁴

Since then, Kazakhstan and Kiribati, as co-chairs of the informal working group on victim assistance, environmental remediation, and international cooperation and assistance, have proposed voluntary guidelines as well as an annexed voluntary reporting format in their report to the 2MSP, which will take place in November 2023. The guidelines, which largely align with IHRC’s recommendations, lay out general information that states parties are encouraged to include in their reports. The reporting format provides a tool for fulfilling the guidelines through a series of tables, comparable to the reporting formats used by other disarmament treaties.

¹ Vienna Action Plan, Action 27, in Treaty on the Prohibition of Nuclear Weapons First Meeting of States Parties, “Report of the First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons,” TPNW/MSP/2022/6*, Vienna, June 21-23, 2022, Annex II (Vienna Action Plan).

² Vienna Action Plan, Action 28.

³ IHRC analyzed three treaties that provide relevant precedent for TPNW reporting guidelines: (1) the Mine Ban Treaty, (2) the Convention on Cluster Munitions, and (3) Protocol V on Explosive Remnants of War to the Convention on Conventional Weapons (CCW).

⁴ 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, <https://humanrightscampus.law.harvard.edu/wp-content/uploads/2023/05/TPNW-reporting-report-5-15-23-FINAL.pdf> (accessed October 5, 2023).

Given the value of timely, structured, and non-burdensome reporting, IHRC urges states parties to adopt the co-chairs' proposed voluntary reporting guidelines and reporting format at the 2MSP and to begin using them as soon as possible. It also supports the co-chairs' proposal to allow for further improvement of the guidelines and format over time. IHRC further stresses the importance of ensuring that reporting is an inclusive process. This paper answers potential questions about reporting under the TPNW and the co-chair's proposed voluntary reporting guidelines and format in particular.

1) What is the general structure and content of the proposed voluntary reporting guidelines and format?

The voluntary reporting guidelines and format proposed in the co-chairs' report follow the structure of the provisions of Articles 6 and 7 of the TPNW. The guidelines and format address three categories of information: victim assistance, environmental remediation, and international cooperation and assistance.

Reporting on victim assistance is relevant to all states parties that have individuals under their jurisdiction affected by nuclear weapons use or testing. In this category, the proposed guidelines and format recommend that states parties report on the effects of nuclear weapons use and testing, including by providing information on, among other things, affected individuals, types of harm experienced, and resulting needs. The guidelines and format also recommend reporting on the development of national victim assistance plans, laws, and policies; the status and progress of victim assistance measures; and efforts to involve affected communities.

Reporting on environmental remediation is relevant to all states parties with areas contaminated by nuclear weapons use or testing. In the category of environmental remediation, the proposed guidelines and format recommend that states parties report on areas known or suspected to be contaminated; development of national plans, laws, and policies; status of efforts to remediate the environment and reduce civilian exposure; and efforts to involve affected communities.

Reporting on international cooperation and assistance is relevant to all states parties. The proposed guidelines and format recommend that states parties report on assistance provided, assistance received, and assistance requested. They should again report on efforts to involve affected communities.

2) Why should all states parties submit reports?

State party reporting on victim assistance, environmental remediation, and international cooperation and assistance will provide valuable data regarding implementation of TPNW Articles 6 and 7. Having all states parties submit voluntary reports on these topics will advance the goals of transparency, a principle that states parties committed to in the Vienna Action Plan. Reporting by all states parties maximizes the opportunities to exchange information and learn lessons from each other. It facilitates the provision of international cooperation and assistance because both affected and potential donor states parties fill out the format. Reporting also makes it easier to monitor states parties' activities and hold states parties accountable for compliance

with their Article 6 and 7 obligations. Finally, by voluntarily submitting reports, states parties reinforce their commitment to the victim assistance, environmental remediation, and international cooperation and assistance provisions of the TPNW.

It is equally important for all states parties to fill out the format from a functional perspective. Certain questions are applicable to all states parties, notably the questions on international cooperation and assistance and on efforts to be inclusive. In addition, maintaining identical reporting expectations for all states parties avoids potential confusion. For example, if a state party does not report, there could be confusion regarding whether the state had nothing to report, missed the deadline to report, or chose not to report. At the same time, recognizing that not every section of the reporting format will be relevant to all states parties, the format allows states parties simply to indicate in each section, or on the cover sheet discussed under Question 4, if a specific section is not applicable to their circumstances.

3) Why should states parties adopt and begin to use voluntary reporting guidelines and a voluntary reporting format now?

States parties should adopt and begin to use reporting guidelines and a format as soon as the 2MSP. Doing so will help them fulfill their reporting commitments under the Vienna Action Plan. It will also allow them to expedite the achievement of the goals of reporting discussed under Question 2.

There is precedent for adopting a reporting format in the early years of a disarmament or arms-related treaty. For example, states parties to both the Mine Ban Treaty and the Convention on Cluster Munitions adopted a reporting format at their 1MSPs.⁵ Similarly, states parties to Protocol V to the Convention on Conventional Weapons (CCW) on Explosive Remnants of War approved a reporting format and endorsed its use at their First Conference.⁶ Given that states parties to the TPNW are currently approaching their 2MSP, IHRC recommends that they adopt reporting guidelines and a reporting format at the meeting. IHRC welcomes the similar recommendation in the co-chairs' report and the commitment by Kazakhstan and Kiribati to pilot the format in their national capacities at the 2MSP. Postponing adoption by another two years until the Third Meeting of States Parties (3MSP) risks delaying collection of important data. The sooner that states parties report, the more quickly they can contribute to a comprehensive understanding of victim assistance and environmental remediation needs and available resources.

Adoption of the proposed guidelines and format does not preclude their further improvement, as will be discussed in more detail below. IHRC recommends that as part of their review, states parties consider procedural as well as substantive matters. They could, for example, encourage states parties to submit voluntary reports by a specific deadline, such as every two years to coordinate with the treaty's Meetings of States Parties. The reports should be submitted in an

⁵ Mine Ban Treaty First Meeting of States Parties, "Final Report," APLC/MSP.1/1999/1, Maputo, May 3-7, 1999, para. 23; Convention on Cluster Munitions First Meeting of States Parties, "Final Document," CCM/MSP/2010/5, Vientiane, Nov. 9-12, 2010, para. 21.

⁶ First Conference of the High Contracting Parties to CCW Protocol V, "Final Document," CCW/P.V/CONF/2007/1, Geneva, November 5, 2007, para. 28 and Annex VI (First Conference of the High Contracting Parties to Protocol V, "Final Document").

official UN language and be made publicly available in a database managed by a body designated for this purpose, such as the UN Office for Disarmament Affairs (UNODA).⁷

4) Does the proposed voluntary reporting format align with the Vienna Action Plan’s call for “nonburdensome reporting”?

The structure and content of the proposed voluntary reporting format help states parties highlight the ongoing humanitarian impacts of nuclear weapons, their work to address those impacts, and the need for a global response. The proposed format provides a clear framework for the information that states parties should already be collecting as part of their implementation of Articles 6 and 7 of the TPNW and the Vienna Action Plan, and therefore should not create an undue, additional burden. The proposed format clarifies and standardizes the types of information that states parties are requested to provide, which simplifies the collection and processing of data.

States parties can focus their initial reports on existing knowledge and include any new information or status updates in later reports. This approach makes reporting more feasible at the beginning and reduces the burden of reporting in later years. It also acknowledges that it will take time to engage in in-depth reporting about the effects of and responses to nuclear weapons use and testing, and that information will evolve as science develops.

To further simplify the reporting process, the proposed format contains a cover sheet to specify whether the information for specific forms is “changed,” “unchanged,” or “not applicable” during a given reporting cycle. States parties with no new information to report can simply fill out the cover sheet to specify as such.

5) Should states be concerned about potential variations in initial reporting?

While some variations in reporting between states parties are to be expected at the beginning, these variations can be accommodated and can even help to inform refinements of the voluntary reporting guidelines and format over time. At least initially, states parties will likely classify victims and/or contaminated areas in different ways in response to their specific domestic situations or challenges. IHRC therefore recommends that states parties provide information on their general reporting methodology and their criteria for determining who is a “victim” or an “affected individual” and what constitutes a “contaminated” area. These details will allow for contextual analysis and comparison of the information provided.

Despite differences in reporting, immediate information sharing combined with transparency as to how data is gathered would allow states parties to exchange existing practices. It could thus inform discussions about practices and standards, with the possibility of developing more consistent reporting methodologies and criteria later. Allowing states parties to pilot the voluntary reporting format at the 2MSP and 3MSP, something that affected states parties Kazakhstan and Kiribati have indicated they will do, would serve as a starting point from which to assess and revise.

⁷ IHRC, *Reporting Guidelines for Articles 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons*, pp. 8-9.

Determining standard criteria at this stage would be time-consuming and would unnecessarily delay the submission of initial reports using the proposed reporting format. Additionally, determining such criteria prior to the submission of initial state reports might inadvertently limit the range of criteria that could be used, as relevant stakeholders may not be consulted. Submitting initial state reports ensures that each state party gets to contribute to the evolution of the reporting criteria before deciding whether to refine it. The Scientific Advisory Group along with affected communities and other stakeholders could also play a role in the review process, as outlined below.

In the future, states parties could revise the reporting guidelines or format, such as by standardizing criteria for data collection and reporting. Past disarmament treaties set a precedent for the revision of reporting formats after adoption. Just one year after adopting the reporting format for the Mine Ban Treaty, states parties decided to amend the format at the Second Meeting of States Parties.⁸ There is also precedent for changing the reporting format much later in a treaty's lifespan. States parties to CCW Protocol V adopted an updated template five years after approving the initial template.⁹ States parties to the Convention on Cluster Munitions announced in 2021 in the Lausanne Action Plan that they would be developing an adapted reporting format.¹⁰

TPNW states parties could also choose to adopt a guide to reporting, which would provide commentary on best practices for reporting, suggestions for reporting on specific topics, and/or a sample report. States parties to other disarmament treaties have sometimes adopted such guides long after adoption of the original reporting format. For instance, states parties to CCW Protocol V adopted a "Guide to Reporting" at the Third Conference of States Parties.¹¹ Even later, states parties to the Mine Ban Treaty adopted a "Guide to Reporting" for the first time at the Fourteenth Meeting of States Parties.¹² States parties have thus previously decided that it is appropriate to adopt a reporting format shortly after the treaty's entry into force, with the understanding that the reporting format might evolve over time, require changes in response to state concerns, or benefit from further clarification in additional documents.

⁸ Mine Ban Treaty Second Meeting of States Parties, "Final Report," APLC/MSP.2/2001/1, Geneva, Sept. 11-15, 2000, para. 27.

⁹ Eighth Conference of the High Contracting Parties to CCW Protocol V on Explosive Remnants of War, "Final Document," CCW/P.V/CONF/2014/10*, Geneva, November 10-11, 2014, para. 34(b). This change is not reflected in the template available on the UNODA website, but the website notes, "At the Eighth Conference of Protocol V States Parties decided to amend the national reporting template and to merge the forms addressing reporting on Articles 7 and 8." "Protocol V National Annual Reports and Database," United Nations Office for Disarmament Affairs, <https://disarmament.unoda.org/ccw-protocol-v-on-explosive-remnants-of-war/national-reporting-and-database/> (accessed April 21, 2023).

¹⁰ Lausanne Action Plan, Action 45, in Convention on Cluster Munitions Second Review Conference, "Final Report of the Second Review Conference," CCM/CONF/2021/6, Geneva, November 25-27, 2020 and September 20-21, 2021, Annex II.

¹¹ Third Conference of the High Contracting Parties to CCW Protocol V on Explosive Remnants of War, "Final Document," CCW/P.V/CONF/2009/9, Geneva, November 9-10, 2009, para. 46.

¹² Mine Ban Treaty Fourteenth Meeting of States Parties, "Final Report," APLC/MSP.14/2015/33, Geneva, November 30-December 4, 2015, para. 32.

6) How could the Scientific Advisory Group play a role in the reporting process?

The 2MSP should adopt and recommend states parties use the proposed voluntary reporting guidelines and format. If states parties decide to refine the voluntary reporting guidelines or format or develop a reporting guide in the future, however, the Scientific Advisory Group could be an important resource.

The co-chairs' report recommends that the Article 6 and 7 working group consider ways to continue improving the voluntary reporting guidelines and format. As part of that process and at the request of the co-chairs, the Scientific Advisory Group could offer targeted advice on topics such as classifying contaminated areas or measuring progress toward environmental remediation. In turn, this guidance could be reflected in state reporting. Because these issues are not simply scientific issues—victim assistance and environmental remediation also have legal and social components—other stakeholders, including affected individuals and communities and civil society, should be involved, too. The intersessional working group should ensure that the group's work is transparent and available to all states parties and other stakeholders.

7) Why is it important for states parties to be inclusive in the reporting process, as well as to report on their efforts to be inclusive in complying with Articles 6 and 7?

TPNW states parties have recognized the importance of inclusivity in their work. In the Vienna Action Plan, for example, states parties committed to “engage with relevant stakeholders, including international organizations, civil society, affected communities, indigenous peoples, and youth, and work cooperatively to advance effective and sustainable implementation of Articles 6 and 7. In particular, they will closely consult with, actively involve, and disseminate information to affected communities at all stages of the victim assistance and environmental remediation process.”¹³

States parties should uphold the principle of inclusivity in the reporting process. They should consult stakeholders, in particular affected individuals and communities, on developing methodologies for collecting data and suggesting other relevant considerations for reporting. They should also engage with them during the process of data gathering and when presenting final reports. If states parties opt to later revise the reporting guidelines or format or clarify reporting guidance through creation of a reporting guide, relevant stakeholders should be involved throughout the process.

Each state party will face some distinctive challenges with regard to ensuring inclusivity, such as identifying stakeholders, ensuring that their voices are being heard, and facilitating effective communication with those stakeholders. Nevertheless, many of these challenges will be similar across states parties. Sharing information on their efforts to be inclusive can inform the work of other states parties seeking to engage meaningfully with stakeholders and more effectively implement the principle. Furthermore, transparency will enable monitoring of states parties' efforts in this area and allow them to be held to account.

¹³ Vienna Action Plan, Action 19.