

Designing a Trust Fund for the Treaty on the Prohibition of Nuclear Weapons: Precedents and Proposals

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Benefits of TPNW Trust Fund

- Advance TPNW's humanitarian objectives
- Help affected states parties meet Article 6 obligations by supporting victim assistance and environmental remediation projects
- Help states parties meet Article 7 obligations by donating money to fund
- Fulfill Vienna Action Plan mandate

Trust Fund Models Examined

Trust funds that support victims of international law violations:

- International Criminal Court (ICC) Trust Fund for Victims
- Trust Fund of the International Support Network for Victims of Chemical Weapons
- UN Voluntary Trust Fund for Victims of Torture
- UN Voluntary Trust Fund for Victims of Trafficking

Trust funds that advance the human rights and well-being of specific groups:

- Council of Europe Development Bank (CEB) Migrant and Refugee Fund
- UN Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD Trust Fund)

Trust funds that address arms or nuclear matters:

- Arms Trade Treaty (ATT) Voluntary Trust Fund
- International Atomic Energy Agency (IAEA) Peaceful Uses Initiative
- UN Voluntary Trust for Assistance in Mine Action
- UN Trust Fund Facility Supporting Cooperation on Arms Regulation (UNSCAR)

Trust Fund Design Questions Asked

1. Who should be eligible to contribute?
2. Who should make distribution decisions?
3. Who should be eligible to receive funds?
4. What kinds of projects should be funded?
5. What measures should be used for reporting and accountability?

Methodology

- IHRC's recommendations consider:
 - Precedent (comparative analysis of 10 trust funds)
 - TPNW's humanitarian objectives (positive obligations of Arts. 6 and 7)
 - Distinct challenges of dealing with long-term and complex effects of nuclear weapons
- Report focuses on design features, rather than implementation or effectiveness

Who is eligible to contribute to the fund?



| ATT Voluntary Trust Fund | CEB Migrant and Refugee Fund | IAEA PUI | ICC Trust Fund for Victims | Trust Fund for Victims of Chemical Weapons | UNPRPD | UNSCAR | UN Voluntary Fund for Victims of Torture | UN Voluntary Trust Fund for Assistance in Mine Action | UN Voluntary Trust Fund for Victims of Trafficking in Persons |
|--|--|---|--|--|--|--|---|--|--|
| <ul style="list-style-type: none"> - All states - Private sector | <ul style="list-style-type: none"> - CEB member states - CEB - European Investment Bank | <ul style="list-style-type: none"> - IAEA member states - Private sector - International organizations | <ul style="list-style-type: none"> - ICC states parties - Private donors, including corporations and individuals | <ul style="list-style-type: none"> - CWC states parties | <ul style="list-style-type: none"> - All states - Aid agencies - Private sector | <ul style="list-style-type: none"> - All states - Private sector | <ul style="list-style-type: none"> - All states - Private entities - Individuals | <ul style="list-style-type: none"> - All states - Organizations - Individuals | <ul style="list-style-type: none"> - All states - Intergovernmental organizations - NGOs - Private sector - Individuals |

Who should be eligible to contribute?

Recommendation: Encourage contributions from the broadest range of actors—states parties, states not party, international organizations, nongovernmental organizations, the private sector, and individuals.

- Broadest donor pool maximizes humanitarian impact
- Engaging states not parties could promote universalization

Who makes distribution decisions?



| ATT Voluntary Trust Fund | CEB Migrant and Refugee Fund | IAEA PUI | ICC Trust Fund for Victims | Trust Fund for Victims of Chemical Weapons | UNPRPD | UNSCAR | UN Voluntary Fund for Victims of Torture | UN Voluntary Trust Fund for Assistance in Mine Action | UN Voluntary Trust Fund for Victims of Trafficking in Persons |
|---|--|---|---|--|---|--|--|---|---|
| <ul style="list-style-type: none"> - Selection Committee - Comprised of 15 states parties, appointed by Conference of States Parties to the ATT for two-year terms - Committee includes donors and non-donors to “ensure diverse representation” | <ul style="list-style-type: none"> - CEB, which appraises requests for support and awards funds | <ul style="list-style-type: none"> - IAEA - The IAEA compiles “thematic packages” for PUI funding toward which donors pledge some contributions | <ul style="list-style-type: none"> - Board of Directors - Comprised of five members elected by the Assembly of States Parties for three-year terms - Seats distributed by major world regions - Members serve in an individual capacity on a pro bono basis | <ul style="list-style-type: none"> - Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW) | <ul style="list-style-type: none"> - Management Committee - Comprised of representatives of nine Participating UN Organizations (PUNOs); three donor countries; representative of International Disability Alliance (IDA); representative of the International Disability and Development Consortium (IDDC) | <ul style="list-style-type: none"> - Strategic Planning Group - Comprised of donor countries | <ul style="list-style-type: none"> - Board of Trustees, which makes recommendations to the UN High Commissioner for Human Rights, based on initial screening by the fund’s Secretariat - Comprised of five members appointed by the UN secretary-general for three-year terms - Seats distributed by major world regions - Board members have expertise in human rights, in particular torture and its effects | <ul style="list-style-type: none"> - UN Office for Project Services, informed by in-country UN Mine Action Service (UNMAS) technical experts | <ul style="list-style-type: none"> - Board of Trustees - Comprised of five members appointed by the UN secretary-general for three-year terms - Seats distributed with “due regard to geographical representation” - Members have experience in the field of trafficking in persons |

Who should make distribution decisions?

Recommendation: Create a board of trustees or a committee, diverse in geography and gender, that consists of representatives from states parties, representatives of affected communities, and independent experts to make grant distribution decisions informed by varied perspectives and expertise.

- States parties: committed to treaty, may be encouraged to contribute to fund
- Affected communities: Right to be involved, bring unique expertise
- Independent experts: Bring range of knowledge

Who is eligible to receive funds?



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|---|---|---|--|---|--|--|---|---|--|
| <ul style="list-style-type: none"> - States parties - States showing “clear and unambiguous commitment to accede to the ATT” - UN agencies, international or regional organizations, civil society organizations, or other competent bodies may serve as implementing partners but not fund grantees | <ul style="list-style-type: none"> - CEB member states - International institutions - NGOs | <ul style="list-style-type: none"> - Member states, through projects implemented by the IAEA Department of Technical Cooperation | <ul style="list-style-type: none"> - Victims of crimes within the jurisdiction of the ICC and their families - States, intergovernmental organizations, or NGOs “working in close proximity with the beneficiary groups” may facilitate disbursement of reparations awards | <ul style="list-style-type: none"> - Additional information required | <ul style="list-style-type: none"> - PUNOs - PUNOs must develop proposals jointly with national governments and organizations of persons with disabilities | <ul style="list-style-type: none"> - UN partners - International or regional organizations - Civil society organizations - Research institutes | <ul style="list-style-type: none"> - Civil society organizations | <ul style="list-style-type: none"> - UNMAS - Commercial mine action organizations - Recipients can work with implementing partners | <ul style="list-style-type: none"> - Non-profit organizations registered on or before July 1, 2020, within the countries where they will undertake their proposed projects and with at least two years of experience implementing projects that assist victims of trafficking |

Who should be eligible to receive funds?

Recommendation: Consider, if the trust fund's resources are initially limited, prioritizing grants for states parties and organizations with projects in states parties and over time expanding eligibility to states not party and organizations working in states not party in order to maximize the trust fund's humanitarian impact.

What kinds of projects are funded?

- Capacity-building programs
- Programs that support needs and rights of affected individuals
- Programs that address hazardous materials
- Grants range in size and length, with case-by-case exceptions

What kinds of projects should be funded?

Recommendation: Provide grants, flexible in size and length, to programs that build capacity in affected states, assist individuals in affected communities, or support environmental remediation measures.

- Capacity building: national plans, trainings, workshops, equipment
- Victim assistance: health care, socioeconomic inclusion, promotion of human rights
- Environmental remediation: from assessment to long-term storage, measures to prevent exposure

What mechanisms are used for reporting and accountability?

- Reporting requirements on grant recipients and/or fund managers
- Site visits

What measures should be used for reporting and accountability?

Recommendation: Adopt substantive, yet non-burdensome reporting requirements for fund managers and grantees that are transparent and ensure appropriate allocation and use of funds.

Additional Topics and Next Steps

- Operational elements
 - Conditions on donors' contributions
 - Application process
 - Criteria for choosing grants
 - Appeals mechanism
- Administrative mechanisms
 - Ad hoc or UN secretariat
 - Funding of administrative mechanism
- Ensure process is inclusive, especially of affected communities

Conclusion

- No trust fund provides perfect model, but lessons to be learned from precedent and adaptation to nuclear context
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