



**HARVARD  
LAW SCHOOL**

**INTERNATIONAL  
HUMAN RIGHTS CLINIC**

**THIRD MEETING OF STATES PARTIES TO  
THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS**

**Statement on Articles 6 and 7: Victim Assistance, Environmental Remediation, and  
International Cooperation and Assistance**

**Harvard Law School's International Human Rights Clinic  
Delivered by Bonnie Docherty**

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Thank you.

I speak on behalf of Harvard Law School's International Human Rights Clinic, which has worked extensively on Articles 6-7 since the TPNW's negotiations.

The treaty, and Articles 6-7 in particular, were founded on several principles, including: humanitarianism, cooperation, and inclusivity:

- The **humanitarian goal** of these articles is to address the harm caused by nuclear weapons use and testing with victim assistance and environmental remediation measures.
- That goal can be best achieved through **cooperation**. The articles set up a framework of shared responsibility in which affected states parties take the lead for practical and legal reasons, but other states parties in a position to do so support them by providing different types of international cooperation and assistance.
- Finally, states parties should ensure that they implement their obligations in a manner that is **inclusive** of affected communities and other interested stakeholders. Article 6(1) says that victim assistance should be provided in accordance with international human rights law, which grants affected communities the right to be involved in decisions that touch on their lives. In the Vienna Action Plan, states parties resolve to involve a range of stakeholders in numerous actions related to Articles 6-7.

States parties should take several steps to implement these positive obligations, guided by the principles of humanitarianism, cooperation, and inclusivity. Implementation measures include conducting needs assessments, producing national plans, and reporting on data gathered and practices pursued.

I will focus my remarks on the proposed international trust fund on victim assistance and environmental remediation. This mechanism for implementing the TPNW's international

cooperation and assistance obligations has been the focus of the Articles 6-7 working group over the past intersessional period.

We welcome the progress made in this area under the leadership of co-chairs Kazakhstan and Kiribati, and we call for continued work on the topic. We encourage states parties to work together to achieve concrete progress on the trust fund, with the aim of developing a viable and widely supported proposal for the First Review Conference.

Harvard Law School's International Human Rights Clinic released a paper this week addressing four key topics where additional work needs to be done, and we recommend that they be resolved in accordance with the three principles I mentioned earlier.

First, the trust fund should **accept contributions** from states parties, states not party, and various non-state actors. A broad donor base could increase the fund's resources, which would enhance its humanitarian impact and promote its sustainability. Welcoming multiple types of donors would be consistent with the cooperative nature of the TPNW. It could also help bolster respect for the TPNW by encouraging states not party to contribute to this fund rather than establishing a competing fund outside the treaty.

Second, to increase the fund's humanitarian impact, the **process for determining grant disbursement** should be inclusive. While states parties could make the final decision about grant applications, representatives of affected communities, NGOs, and international organizations should be able to review applications and offer recommendations that states parties take seriously into account.

Affected communities and other stakeholders bring a wealth of personal experience and specialized expertise that would help them determine if a proposed project is valuable and viable. Their participation in the process would also help increase local populations' trust in the fund. Buy-in is important because the secrecy surrounding nuclear weapons use and testing has led many affected populations to distrust governments.

Third, in addition to states parties, affected communities' groups, NGOs, and international organizations should be **eligible to submit applications for grants**. Their proposed projects could enhance the effectiveness of the fund given these organizations' deep understanding of the issues and proximity to the people and sites served. While they could partner with states parties, the ability to apply independently is critical because it prevents applications from being impeded by a state party's bureaucracy, politics, or other priorities. Thus, an inclusive approach to application eligibility would help maximize the humanitarian impact of the trust fund.

Finally, inclusivity is valuable not only in the operation of the trust fund but also in its **design process**. We welcome the consultations that the co-chairs held with affected communities, NGOs, and international organizations. Yet more could be done. For example, representatives of these groups should be able to attend all consultations; they should receive more advanced notice of meetings; and they should have access to documents that have sometimes been limited to states parties.

These groups can offer useful inputs to the process based on first-hand or specialized expertise that would help create a stronger trust fund. Their inclusion would increase the legitimacy of the trust fund in the eyes of those it is designed to serve. In addition, under international law, affected communities have human rights to participate in decision-making and to receive information.

Although I do not have time to address it here, our new paper and a previous one published in 2023 provide precedent for each of these recommendations from existing trust funds on related topics.

In conclusion, following the principles of humanitarianism, cooperation, and inclusivity would help produce a trust fund that is effective, sustainable, legitimate, and well grounded. These principles should also inform other efforts to implement of Articles 6 and 7 at the international and national levels.

Thank you.