

# Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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## Recommendations for the Implementation of Nuclear Victims Assistance

### Working paper submitted by the Study Group of Nuclear Victim Assistance Systems

#### I. Outline

1. How can States Parties to the TPNW promote victim assistance, environmental remediation, and international cooperation under the Treaty's Articles 6 and 7? We are a group of researchers based in Japan conducting field surveys in communities affected by the use and testing of nuclear weapons by five nuclear powers. Leveraging this expertise, we are conducting a comparative study of various existing compensation and victim assistance programs in different countries and regions for their victims (see our website: <https://nuclear-justice.net/>). Reaffirming Item 10 of the Vienna Declaration and Section III of the Vienna Action Plan, and based on the outcomes of our joint research, and in order to advance victim assistance and international cooperation, we would like to make the following four interrelated recommendations for the implementation of Articles 6 and 7.

#### II. Recommendation 1

*Reaffirm the importance of promoting victim assistance, environmental remediation, and international cooperation under Articles 6 and 7, and call upon States Parties to demonstrate a united determination to realize them.*

2. It is imperative for all States Parties to actively promote victim assistance, environmental remediation, and international cooperation. Effectively implementing the Treaty's positive obligations will underscore its humanitarian goals and reaffirm the efforts of the States Parties to promote its universalization. As such, these unique features can distinguish the TPNW from other nuclear disarmament treaties, encourage additional states to join it, and bring a positive impact to those outside its regime. With the TPNW in force, States Parties can immediately commence the promotion of victim assistance, environmental remediation, and international cooperation, without waiting for nuclear-armed states to join the Treaty. Advancing these efforts can persuasively demonstrate why the TPNW is essential and can embody the humanitarian spirit of the Treaty.

3. We welcome and highlight that Algeria, which holds former French nuclear test sites, and the Marshall Islands, which holds former U.S. nuclear test sites, participated as observers at the First Meeting of States Parties. In addition, we note that Germany, another observer, expressed its interest in cooperating for victim assistance, stating, “We especially value the humanitarian perspective put forward. We are interested to hear more about the ‘positive obligations’ of the Treaty. Germany is committed to engaging in constructive dialogue and exploring opportunities for practical cooperation.”

### **III. Recommendation 2**

*Create a new framework to secure the participation of nuclear victims by establishing a “Global Forum of Nuclear Victims” and including it in the Meetings’ agenda.*

4. With regard to Actions 19 and 25, we call upon the States Parties to create a new framework to allow the participation of affected communities at Meetings of States Parties to ensure that their voices are heard, and for States Parties to “closely consult with [...] affected communities at all stages of the victim assistance and environmental remediation process.”

5. Stressing that the vast majority of the nuclear victims reside in states not parties to this Treaty, securing speaking slots for victims from around the world, regardless of being under the jurisdiction of States Parties, is of great importance. As the idea of nuclear deterrence is considered essential to national security assurance by nuclear-armed states and nuclear umbrella states, damage on humans and the environment from nuclear weapons use and testing has been neglected, concealed, and overlooked, and, as a result, victims have found it difficult to speak out. Radiation is undetectable by human senses, and determining whether diseases such as cancer and leukemia are aftereffects of radiation exposure is impossible, thereby underscoring the inherent limitations of science.

6. Our proposed “Global Forum of Nuclear Victims” and its inclusions in Meetings of States Parties will serve as a platform for constructive exchanges, allowing victims to share with the world the damages caused by the use and testing of nuclear weapons, as well as communicate efforts undertaken by victims and affected communities themselves, their hard-won successes to date, and further compensation and assistance needs. We urge the States Parties to make this Forum one of the Meetings’ permanent agenda items.

7. The TPNW’s preamble emphasizes the “health of current and future generations,” the “disproportionate impact on women and girls,” and the “disproportionate impact of nuclear-weapon activities on indigenous peoples.” Given the extent of such suffering, it is essential to actively seek the participation of youth, women and girls, and indigenous peoples as part of the nuclear victim community.

8. We insist that without a continuous commitment to learning and hearing from affected communities, the true nature of nuclear damage and victims’ needs cannot be understood, and effective implementation of Articles 6 and 7 cannot be achieved. To facilitate the participation of a diverse group of victims, we advocate for a system that covers transportation and accommodation expenses. Additionally, we recommend providing interpretation services to enable comfortable communication in their native languages. When the Trust Fund, currently being discussed, is established, it would be ideal that these costs be covered by the Fund. Until then, the States Parties, intergovernmental organizations, and civil society shall work together, with the lead of the Chair.

9. We note that the Third Meeting will be Chaired by Kazakhstan, which holds the former major nuclear test site of the Soviet Union. This Meeting could provide an excellent opportunity to establish the proposed Forum. Additionally, toward the Third Meeting, we urge the States Parties and the Scientific Advisory Group to accept nominations of experts from indigenous peoples and victims for participation in the Group. It is essential to ensure the Group's study and advising process is inclusive, allowing for the voices of victims and indigenous peoples to be heard. This inclusion would ensure that nuclear victims also have the opportunity to participate in and speak at the Third Meeting. We also call on the Group to recognize the presence of scientific uncertainty without eliminating it, especially when addressing the effects of radiation on the human body.

10. Victims' testimonies are what shape a taboo against nuclear weapons, effectively "detering" their development, testing, production, manufacture, use, and proliferation. We must emphasize that nuclear weapons are inhumane not only in their wartime use but also in their very development. For this reason, it has become increasingly persuasive for the international community to work for the legal prohibition of nuclear weapons and move away from the theory of nuclear deterrence, which is based on the threat of mass destruction and retaliation.

#### **IV. Recommendation 3**

***Focus on existing victim assistance systems and victims' actual needs, and establish innovative methods for widely collecting reports from states outside the TPNW regime, affected communities, advocates, and experts.***

11. We wholeheartedly welcome and commend the efforts of Kazakhstan and Kiribati in ensuring the active and effective implementation of Articles 6 and 7, including their commitment to developing the "Report of the co-chairs of the informal working group on victim assistance, environmental remediation, international cooperation and assistance." It is particularly noteworthy that, in this report, they proposed a new reporting system for the States Parties in accordance with Action 27. While we welcome the introduction of a reporting system, we would like to express the following concerns and make recommendations to improve the proposed system.

##### ***Concerns about the reporting system proposed by Kazakhstan and Kiribati***

12. The Report of Kazakhstan and Kiribati calls for detailed accounts of the effects of the use and testing of nuclear weapons, including the "data on affected individuals, including estimated number." However, we must remember that the effects of radiation on the human body, especially at low doses, involve a wide range of scientific uncertainties, which have been sources of controversy. This leads to a crucial question: "How do we define who is a victim and who is not?" Easily defining who qualifies as a victim without careful consideration can potentially limit the scope of the victim assistance.

13. To elaborate with one clear example, as of March 31, 2023, the number of *hibakusha* (atomic bomb survivors) in Japan stands at 118,728. This figure solely represents those eligible for assistance from the Japanese government based on Japanese law, not the total number of victims. It excludes those who perished in the bombings; those who did not or could not apply for assistance in order to avoid social discrimination; and those orphaned by the atomic bombings. Furthermore, ongoing legal cases from individuals seeking official recognition as *hibakusha* and related assistance, such as the Black Rain Lawsuit, continue to this day, with many still pending in court. Thus, the definitive count of *hibakusha*, even just for Hiroshima and Nagasaki, remains undetermined and uncountable.

14. Determining the number and extent of nuclear testing victims is even more challenging. These victims include not only local residents and workers exposed to radioactive fallout during tests and military personnel involved in nuclear operations but also indigenous communities displaced by test sites and those affected by uranium mining and plutonium production. The impact of nuclear testing is vast, affecting diverse groups including residents of contaminated lands, decontamination workers, those unable to return to their lands, and communities near nuclear waste sites. The reach of this damage transcends national boundaries, time and place, and the extent of harm cannot be confined to a single state or defined uniformly. One fundamental obstacle is the lack of publicly available data on radiation exposure, including analysis data on the dispersion of radioactive fallout from nuclear testing, often withheld for security reasons.

15. Moreover, Kazakhstan and Kiribati have proposed reporting by States Parties. However, we underline that many sites of nuclear weapon use and testing are in states outside the TPNW regime. The reporting should not be limited to States Parties. This leads us to an important question: What type of information should be mandated, and from whom should it be collected, to effectively facilitate victim assistance, environmental remediation, and the implementation of international cooperation?

***Proposal for a reporting system for the implementation of assistance to nuclear victims, environmental remediation, and international cooperation***

16. Action 30 suggests that “initial assessments could focus on gathering existing knowledge about ongoing and expected effects.” However, it is of critical importance to recognize that various assistance systems are already in place worldwide to support nuclear victims affected by the use and testing of nuclear weapons, as detailed in our study ([https://ir.lib.hiroshima-u.ac.jp/journals/cphu\\_en/i/35](https://ir.lib.hiroshima-u.ac.jp/journals/cphu_en/i/35)). While these systems have their limitations, they are representations of victims’ collective voices and the social support they have garnered through years of persistent advocacy. These existing systems should be acknowledged as valuable starting points in the implementation of victim assistance, environmental remediation, and international cooperation under the TPNW. Furthermore, the proposed reporting system should aim to gather comprehensive information about these diverse domestic assistance systems.

17. For instance, Kazakhstan has enacted the “Law on Social Protection of Citizens Who Suffered from Nuclear Tests at the Semipalatinsk Nuclear Test Site.” This law is particularly instructive in several respects. For example, acknowledging the disproportionate impact of nuclear weapons, it establishes support measures for women and children, who are more vulnerable to radiation exposure, including provisions such as additional maternity leave. Moreover, it is notable that additional considerations have been made for women, including the provision of extra measurements for pregnant and nursing mothers. Furthermore, the law expands the definition of affected areas beyond the standard threshold of 1 mSv, extending social protection to regions with lower radiation levels but where residents have experienced psycho-emotional stress due to proximity to radiation.

18. Our proposed reporting system would initially query all States Parties to ascertain if they have any existing victim assistance or environmental remediation systems in place for affected communities. This inquiry should ask the following three key questions: Q1: Do such systems exist? States Parties affirming the existence of these systems would be requested to provide detailed reports. Q2: Are there international cooperation efforts already in place for victim assistance and environmental remediation? Those States affirming such efforts are expected to report on the specifics. Q3: Is there a need for assistance to nuclear victims, environmental remediation, and related international cooperation? States acknowledging such needs

should report the relevant details. By focusing on these three key questions and ensuring the answers be accessible by all States Parties, we are more likely to obtain specific and detailed responses. This approach will ensure that the reporting system remains inclusive, informative, transparent, and open to all States Parties.

19. Furthermore, we recommend that the reporting system be structured to allow not only States Parties but also non-States Parties, affected communities, NGOs, experts, and other interested parties to respond to the same set of questions. This inclusive approach ensures that anyone can contribute equally to the reporting process. By encouraging non-States Parties to participate, we can gather more comprehensive information about nuclear victims and foster new connections between TPNW States Parties, nuclear-armed states, and countries affected by nuclear testing.

20. The collection of information should focus not only on what is covered by existing systems but also on what these systems do not or cannot cover, as well as issues that cannot be addressed by a single state. These are exactly the issues that the TPNW regime must address. Furthermore, this reporting process can also bolster the efforts of victims and their advocates in raising their voices, seeking justice and compensation, and communicating the harm caused by nuclear weapons.

## V. Recommendation 4

***The beneficiaries of victim assistance should not be limited to those in States Parties, but should be open throughout the world. International cooperation should be promoted not only by States Parties but also be open to implementation by non-State Parties, civil society, and affected communities.***

21. On nuclear victims' assistance, Action 25 outlines "the principles of accessibility, inclusivity, non-discrimination and transparency and in coordination with affected communities." The scope of assistance to nuclear victims needs to be broadened to include victims around the world. Article 7.4 of the TPNW stipulates, "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," and the beneficiaries of such assistance should not be limited to those in States Parties.

22. We recall that the majority of nuclear victims reside in areas under the jurisdiction of non-States Parties, that the damage extends beyond national borders, and that the damage is particularly severe on those who have been marginalized, excluded, and ignored within the nation-state framework, in the context of colonial rule and discrimination against indigenous peoples. In light of these realities, it is necessary to ensure international cooperation for victim assistance to be provided to victims around the world.

23. Providers of assistance to victims should not be limited to TPNW States Parties, either. This would allow for a wide range of participation, including the cooperation or involvement of non-State Parties, local governments, experts, NGOs, and the affected communities themselves, in providing funds, as well as in offering experience and expertise. By establishing a system that includes anyone willing to support, the quality of victim assistance will be significantly improved and the importance and influence of the TPNW will be further enhanced.

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