Recommendations from Japanese Civil Society on Articles 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons

Working paper submitted by the Japan NGO Network for Nuclear Weapons Abolition

I. Introduction

1. Japanese civil society sincerely welcomes the entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW), as well as the first Meeting of States Parties. This submission is a summary of a longer paper, the full version of which can be found at <https://peaceboat.org/english/news/TPNW1MSP-JP>, drafted by 13 experts from Japanese civil society in consultation with hibakusha (victims of the use of nuclear weapons) and endorsed by over 200 organisations and individuals. It shares key lessons from Japan’s experiences with victims of the use and testing of nuclear weapons, including the atomic bombings of Hiroshima and Nagasaki in August 1945, the exposure of Japanese fishing boats to radioactive fallout from nuclear tests conducted in the Pacific, and information exchanges and support activities for nuclear victims in other states. This submission also makes recommendations to the first Meeting of States Parties regarding the victim assistance, environmental remediation, and international cooperation stipulated in Articles 6 and 7 of the TPNW.

II. Understanding nuclear harm

2. The atomic bombs dropped on August 6 and 9, 1945, on Hiroshima and Nagasaki, respectively, devastated the two cities. Those who managed to survive, the hibakusha, have learned firsthand how nuclear harm manifests and evolves throughout the sufferer’s life.

3. For their explosive cores, the atomic bomb dropped on Hiroshima used uranium-235, while the Nagasaki bomb used plutonium-239. Both bombs were dropped not on military facilities but on centers of civilian life, indiscriminately killing and injuring large numbers of civilians and turning Hiroshima and Nagasaki into cities of death in an instant. The energy released from these bombs is said to have been 50% blast, 35% heat, and 15% radiation. Approximately 140,000 people had died in Hiroshima, and 74,000 in Nagasaki, from these two bombs by the end of 1945.
4. One of the major differences between the atomic bombs and conventional weapons is the health problems caused by radiation, which is invisible to the naked eye. Radiation damages various parts of cells, including the DNA within them, disrupting their normal function. Studies conducted throughout hibakushas’ lives have shown that these effects persist throughout their lives and can cause cancer. As a result, many hibakusha suffer from pain and anxiety about their health throughout their lives. In addition, many are concerned about the health of their children and grandchildren due to the possibility that reproductive cells’ exposure to radiation may affect subsequent generations.

5. The Japan Confederation of A- and H-bomb Sufferers Organizations (Nihon Hidankyo), a national organization of hibakusha in Japan, has called the atomic bombs “inhuman,” claiming they are weapons of ultimate evil that do not allow the victims “to live or die as humans.” Nuclear weapons cannot coexist with humans.

6. The following points are important perspectives for understanding nuclear harm, based on findings from various studies and interviews conducted over many years in Hiroshima and Nagasaki. They also include further significant perspectives that have emerged as Japanese hibakusha and citizens have visited sites of nuclear harm in various countries and regions, interviewed nuclear sufferers about their situations, and engaged in exchanges and support.

7. **The harm caused by radiation is lifelong.** When exposed to a single, large dose of radiation, as in the case of the atomic bombings, the timing of cancer development differs by organ. Therefore, hibakusha may suffer from multiple cancers that emerge over many years. In addition to cancer, other aftereffects from radiation include growth retardation, cataracts, and increased mortality rates due to vascular disease of the brain and heart. By now, studies have proven that the effects of radiation from the atomic bombings are lifelong and persistent.

8. **Listen to sufferers from marginalised groups, especially women and children.** Female hibakusha sometimes faced difficulty getting married — or, if already married, being divorced — if their identity as a hibakusha was revealed. Others had concerns about bearing children, as, in many cases, responsibility for being able to conceive or being able to bear a healthy child was unfairly placed solely on women. Many children who were orphaned by the atomic bombings faced various difficulties throughout their lives. Studies have shown that children are more sensitive to radiation than adults. Some children who were exposed to the atomic bombs’ radiation while in the womb developed radiation-induced microcephaly and other disorders because their mother was near the hypocenter during an early stage of pregnancy. It is extremely important to listen to sufferers, especially those belonging to marginalised groups, in order to understand the realities of nuclear harm.

9. **Consider internal exposure, as well as the risks of low dose exposure to radiation.** Continuing research is confirming increased risk of cancer in children exposed to 20 to 30 mSv of radiation. This challenges the long and widely held view that low-dose exposure below 100 mSv has no effect on human health. Recent years have also seen an increased understanding of the importance of research on internal exposure to radiation.

10. **The definition of “hibakusha” is too narrow, and some continue to seek recognition.** Sufferers not covered by Japan’s Law on Medical Care of the Atomic Bomb Survivors, especially those who had been exposed to radioactive fallout such as “black rain,” requested that the government also recognize them as hibakusha. It is likely that those who claim to have been exposed to the atomic bombings will continue to seek official recognition as “hibakusha” through lawsuits and other means.
11. **Families of hibakusha are also nuclear sufferers.** Surviving family members who were not in Hiroshima or Nagasaki at the time of the bombings, such as those who had been evacuated, received no assistance to address their more vulnerable status for having lost family. Many hibakusha suffered from various long-term or recurring illnesses, and, if they were the breadwinner for their household, the whole family was soon forced to struggle with economic difficulties as well.

12. **Not all sufferers of the atomic bombings are Japanese, and nuclear harm has spread throughout the world.** Many people from the Korean Peninsula, which was under Japanese colonial rule at the time, were also killed or harmed in the atomic bombings. Other victims included American, Dutch, Australian, British, and Canadian prisoners of war; Chinese, including those forcibly taken or mobilised as wartime labourers; and students from Southeast Asia. The U.S.’s atomic bomb development program also exposed various workers and residents to radiation.

13. **Radioactive contamination of the environment has expanded around the world.** Fission products produced by nuclear weapons tests have fallen on the Earth’s oceans, lands, plants, animals, and people. Nuclear testing, uranium mining, plutonium production, and other related activities have contaminated various lands, forcing people to leave their homes.

13. **Nuclear harm is often drawn along colonialist and racist lines.** The world’s nuclear tests have often been conducted in current or former colonies, or in lands belonging to Indigenous peoples or ethnic minorities. Systems of power such as colonialism and racism were exploited to further nuclear powers’ development and testing of nuclear weapons, creating many nuclear sufferers.

14. **Nuclear harm has been deliberately hidden.** It is difficult to fully understand nuclear harm not only because radiation is invisible and imperceptible, but also because it has been politically and socially concealed. It is necessary to deepen our understanding by listening to the testimonies of those affected and by learning about their surrounding environment.

### III. Victim assistance and international cooperation: The current situation and its challenges

15. In order to provide meaningful victim assistance, it is necessary to learn from and discuss existing assistance and compensation systems. Although often incomplete, existing systems contain various relevant aspects, such as focusing on health effects, giving consideration to impacts specific to women, or taking environmental contamination into account.

16. **Measures to address health effects.** One point for consideration is how to determine eligibility for assistance. The U.S.’s Radiation Exposure Compensation Act (RECA) established a system that presumes causality for health effects and compensates victims based on their presence in a specific area during nuclear testing and their development of one or more specified diseases. This system has been used as a reference for nuclear harm compensation systems throughout the world. Its presumptive approach to health effects — which does not require the sufferer to prove a causal relationship, nor does it rely on the grey area of radiation dosimetry — lends itself to timely assistance for nuclear sufferers. However, it should be noted that disease is not the only indicator of nuclear harm.

17. In Japan, the Atomic Bomb Survivors’ Support Law (adopted in 1994) stipulates “comprehensive assistance measures for health, medical care and welfare of the hibakusha,” focusing on “health effects caused by radiation.” Unlike the aforementioned RECA in the U.S., sufferers who are recognized as hibakusha are issued a Health Handbook and receive free medical care and reimbursement for out-
of-pocket medical expenses, even if they do not develop any diseases. In addition, hibakusha suffering from diseases specified by the government receive cash allowances.

18. **Measures for women and future generations.** Under Japanese law, those exposed to the atomic bombings in utero are officially recognized as “hibakusha” and are thereby eligible receive government assistance. Some second-generation hibakusha who were conceived after the bombings are also eligible to receive government assistance, but only in the form of limited medical examinations. Third-generation hibakusha do not receive any government assistance.

19. It is noteworthy that Kazakhstan’s law On Social Protection of Citizens Who Suffered from Nuclear Tests at the Semipalatinsk Nuclear Test Site (Semipalatinsk Social Protection Law) stipulates that the generation born after the end of nuclear testing is also considered victims of nuclear testing, under certain conditions. In addition, the Semipalatinsk Social Protection Law stipulates a certain level of consideration for women, with longer maternity leave for women who are “citizens who suffered from lengthy nuclear tests.”

20. **Measures for environmental contamination.** In Kazakhstan, the compensation system is based not on disease, but on an individual’s presence in a contaminated area. In addition to a lump-sum compensation payment, the system stipulates lifelong compensation payments in the form of a pension or salary supplement. The Marshall Islands has a property damage compensation system that incorporates contamination of the land as well as resulting damages. The annual exposure level for determining whether land has been contaminated is 0.15 mSv, which is stricter than the International Commission on Radiological Protection (ICRP) standard, the annual exposure limit for the general public.

21. **Challenges in assisting nuclear sufferers.** All of these assistance programs for nuclear sufferers were realised after many years of campaigning by sufferers and their allies. However, these systems cannot make up for the harm caused by nuclear weapons. There are, of course, gaps between sufferers’ demands and the implemented systems, and some regions and individuals remain cut off from assistance.

**IV. Recommendations**

22. We recommend that at the First Meeting of States Parties, the States Parties agree to and address the following.

23. **Declaration of responsibility and determination.** We recommend the Parties acknowledge that the harm caused by nuclear weapons is ongoing, as well as that there is harm left unaddressed or still without remedy. We recommend that the Parties declare a strong determination to provide victim assistance and environmental remediation, and to international cooperation for this purpose. In doing so, all States Parties should recognize that they share a responsibility for nuclear victims and affected communities.

24. **Ensuring victims’ participation.** We recommend the Parties affirm that affected individuals must be at the centre of discussions on victim assistance and environmental remediation, and that the Parties seek input from a broad range of nuclear victims and stakeholders. Such discussions should be open to all those who consider themselves to be nuclear victims. The Parties must also provide international protection to ensure those who claim to be victims are not subject to undue pressure.
25. **No one left behind.** In order to adequately assist nuclear victims, who historically have been rendered invisible around the world, we recommend the Parties engage in assistance with the goal of “no one left behind.” To this end, it is essential to take a multifaceted view of nuclear harm, also taking into account impacts going forward. The Parties should confirm that the term “victims” in Article 7.4, covers persons outside the States Parties. Based on that, assistance and remediation measures should be implemented starting with those that are urgent and feasible.

26. **Reporting on the implementation of Articles 6 and 7.** We recommend the Parties require reporting on the implementation of Articles 6 and 7, as well as reporting on future action plans. These reports and other information should be provided on a regular, ongoing basis. In addition, international organisations, NGOs and other civil society organisations, and states not party to the treaty should be invited to provide relevant information.

27. **Requesting information disclosure from states that used or tested nuclear weapons.** We recommend all States Parties jointly request that states that have used or tested nuclear weapons disclose information on their impacts. Parties should reaffirm that they “have a responsibility to provide adequate assistance” (Article 7.6) for victim assistance and environmental remediation and shall do so upon ratification of the treaty.

28. **Education to deepen understanding of nuclear harm and victims.** We recommend that the Parties promote and support educational activities, including activities to improve understanding of nuclear harm and victims, efforts to document the history of nuclear harm, and the establishment of museums to share victims’ experiences.

29. **Civil society participation in international cooperation.** We recommend that the Parties ensure the participation of civil society in victim assistance and international cooperation systems. Civil society, including victims themselves, has already made many achievements and amassed a wide range of knowledge with regard to victim assistance.

30. **The establishment of a permanent body.** We recommend the Parties establish a permanent body to receive and consider information, as well as review reports on nuclear harm; to conduct surveys and research on nuclear harm, with results used to inform victim assistance measures; and to develop activities to disseminate and promote understanding of nuclear harm and victims. This permanent body should be open to civil society and ensure victim representation.

31. **The establishment of a trust fund.** We recommend that the Parties seek to establish an international trust fund to implement the above items. We propose that contributions to the fund be sought not only from States Parties, but also from the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, or national Red Cross and Red Crescent Societies.

32. **Visits to nuclear-affected areas and communities.** In promoting the above efforts, we recommend that representatives from the Parties visit Hiroshima, Nagasaki, and other nuclear-affected areas and communities around the world, engage in dialogue with victims, conduct site visits, and hold related meetings in order to understand nuclear harm and provide the assistance sought by victims.