
First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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Youth Perspectives on the Treaty on the Prohibition of Nuclear Weapons

Working paper submitted by the Nuclear Age Peace Foundation (NAPF) and ICAN on behalf of member organization Reverse The Trend: Save Our People, Save Our Planet (RTT)

I. Introduction

1. The Treaty on the Prohibition of Nuclear Weapons (TPNW) aims to ban all nuclear weapons, adequately compensate and assist victims of nuclear weapons use and testing, and take appropriate measures towards environmental remediation. However, Articles 6 and 7 in the TPNW must be clarified and expanded to account for rapid technological evolution, systemic inequality, and the far-reaching impacts of nuclear weapons use and testing. This working paper identifies actions states parties should pursue during the First Meeting of States Parties and the subsequent intersessional period. The paper also formulates long-term requests states parties should enact so as to bolster the effectiveness of implementation of Articles 6 and 7.

II. Overview of the Positive Obligations

2. Article 6 of the TPNW calls for each States Party to extend age- and gender-sensitive, non-discriminatory assistance to individuals affected by nuclear weapons use and testing in accordance with international humanitarian and human rights law. Additionally, this Article states that each States Party must take necessary actions towards environmental remediation with respect to the areas under its control, which have been negatively impacted by nuclear weapons use and testing.

3. Article 7 lays out the standards for international cooperation and assistance for States Parties under the TPNW. Article 7 of the TPNW encourages States Parties to “provide technical, material, and financial assistance to States Parties affected by nuclear-weapons use or testing.” The text also states that “assistance under this Article may be provided, inter alia, through the United Nations system, international, regional, or national organizations or institutions, non-governmental organizations, International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, national Red Cross and Red Crescent societies.”

III. Defining Victims in the TPNW

4. While the TPNW has robust provisions for victims of the use and testing of nuclear weapons, the TPNW does not define the term victim. A clear definition of victim is necessary for individuals to know whether they are eligible for assistance provided by states parties and to avoid administrative hurdles due to local regulations. The standardization of a definition of victim might be done by all states parties during the intersessional period. However, states parties affected by nuclear weapons use and testing should have a preferential voice in defining this term. Furthermore, we propose that the definition of the term victim consider all individuals and communities directly or indirectly affected by nuclear weapons use and testing. We ask that states parties consider these individuals and communities for all forms of assistance provided by local authorities, governments, and international organizations.

Intergenerational Definition

5. In defining the term victim, our organizations kindly request that the states parties broaden the definition to include first, second, and third generations of victims exposed to nuclear weapons use and testing because studies^{1 2 3}, have shown that nuclear exposure has intergenerational consequences.

Defining Individuals and Communities Affected by Nuclear Weapons Use and Testing

6. We recommend that states parties consider individuals and communities facing physical, financial, social, and/or environmental consequences of nuclear weapons use and testing – either directly, indirectly, or intergenerationally – as belonging to the category of those affected by nuclear weapons use and testing.

Nuclear Victims Beyond Weapons Use and Testing

7. We recommend that the states parties also recognize as victims individuals affected by nuclear power generation and accidents, including but not limited to nuclear ore miners and environmental contamination victims from Central Africa; New Mexico and West Texas communities affected by nuclear mining and waste storage; and nuclear energy accident victims in Chernobyl, Ukraine and Fukushima, Japan.

IV. Recommendations on Implementing Articles 6 and 7

Reporting Mechanism to Assess the Needs of Victims

8. Once a definition is agreed upon, affected states parties should be encouraged to submit reports on the number of victims in their respective jurisdictions to either states parties at MSPs or an intersessional working group. Guidelines should be established on the specific information that affected states parties may choose to share with an intersessional working group tasked with providing international cooperation and remediation. Based on the reported information, the intersessional working group should assess the affected states' financial and medical needs and award relevant funds to the affected states parties to help affected communities. Furthermore, the records will help estimate the extent of environmental damage and funds needed to help the affected states.

¹ Yan, Wudan, The nuclear sins of the Soviet Union live on in Kazakhstan, *Nature*, April 03, 2019. <https://www.nature.com/articles/d41586-019-01034-8>.

² Listwa, Dan, Hiroshima and Nagasaki: The Long Term Health Effects, *K=1 Project, Center for Nuclear Studies*, August 09, 2012. <https://k1project.columbia.edu/news/hiroshima-and-nagasaki>

³ Radiation Effects Research Foundation, <https://www.rerf.or.jp/en/programs/>

International Trust Fund: Donors and Support from the Non-Member States

9. States parties should welcome financial support from states parties, non-states parties, and non-state entities, including foundations and potentially private support from individuals. These funds should be used to establish the international trust fund governed by an informal committee of states parties. The informal committee should periodically publish the donors list to maintain transparency.

Inclusivity in Funds Distribution and Transparency

10. The TPNW does not define set criteria for determining the amount of funds and/or assistance to offer victims based on their medical conditions and other social standards. We urge states parties to pay special attention to historically marginalized populations such as indigenous communities, women, immigrants, and refugees when allocating financial assistance to ensure funds are equitably and inclusively distributed and ensure that the intersessional body's work is inclusive of all populations. Additionally, creating fixed criteria for assistance allocation will both help the intersessional body maintain transparency in funds distribution and minimize the potential for issues with management of funds by local authorities.

Reparations for Affected States Parties

11. Three of the nuclear-armed states have conducted nuclear weapons testing in Pacific Islands and other colonies worldwide, causing irrevocable damage to individuals, communities, and the local environments. The affected Islands and colonies are remote, economically disadvantaged, and lacking the power to fight against and seek reparations from the predominant global powers for the damage to their ancestral land and the health of their citizens. We urge the intersessional working group to help states affected by nuclear testing seek financial assistance under international humanitarian law.

Defining Environmental Remediation

12. The TPNW does not provide a definition of environmental remediation, merely asserting that each State Party must take "necessary and appropriate measures towards the environmental remediation" of areas under their jurisdiction contaminated as a result of nuclear weapons testing and/or use. We believe that in order for states parties to effectively address and reverse environmental damage caused by nuclear weapons, the nature of the environmental remediation they are expected to provide should be discussed by states parties during the intersessional period.

Environmental Damage Mitigation

13. Recognizing that the TPNW does not provide a definition of environmental remediation, we recommend that the intersessional working group study the radiation's effects on the environment, biodiversity and ecosystem, and animal life in affected areas.

14. Nuclear weapons testing had an irrevocable impact on test sites and their surrounding environments⁴. States parties are advised to seek external support, if required, to make the damage assessment so as to potentially access environmental remediation needs. We believe experts are required to assess the environmental impact of nuclear weapons use and testing and to offer scientific guidance on standards and potential remediation measures. The TPNW does not mention any expert body. Therefore, we propose that a group of independent scientists should

⁴ Rapaport, Hart, Marshall Islands Radiological Studies (2017-2019), *K=1 Project, Center for Nuclear Studies*, February 16, 2020. <https://k1project.columbia.edu/news/marshall-islands-radiological-studies-2017-2019>.

assess the environmental damage caused by nuclear weapons use and testing – including the levels of environmental contamination with radioactive waste in the biosphere, groundwater, and living organisms, among other factors – and offer appropriate solutions.

Participation of Civil Society Organizations

15. We appreciate the involvement of civil society organizations in the TPNW implementation and decision-making process. We further urge the states parties to collaborate with Doctors Without Borders, the Red Cross, and organizations like ours, including organizations focusing on the role of youth, to reach out to and assist communities affected by nuclear weapons use and testing and to collect information about the implementation of victim assistance programs by local governments at the grass root level.

V. Long-Term Requests

Implementation of Period Publications

16. In certain states parties, affected communities have been dealing with the intergenerational effects of nuclear weapons use and testing for decades. We request that the intersessional working group publish a report at least once a year on the effects of radiation on nuclear victims. This information will help organizations worldwide to educate youth and individuals about the devastating effects of nuclear weapon testing on human beings. We also believe it will help mobilize communities to persuade countries to adopt the TPNW and renounce nuclear weapons.

Employment Programs for Affected Communities

17. Victims of nuclear weapons use and testing face not only physical and environmental consequences, but also financial difficulties. Economically disadvantaged communities are disproportionately impacted by nuclear weapons use and testing, which pushes them further into poverty – with little opportunity for assistance from their local governments – and exacerbates existing socio-economic inequalities. In order to improve the affected communities’ morale and living standards, states must help lift them out of poverty. Therefore, we urge member states, non-member states, corporations, and civil society organizations to develop employment generation programs for inhabitants of the affected communities.

VI. Conclusion

18. Given Russia’s threats to use nuclear weapons in the ongoing Ukraine War, North Korea’s continued expansion of its nuclear weapons stockpile, and Iran’s unhindered efforts to test its first nuclear weapons, the First Meeting of States Parties could not represent a more timely opportunity for states parties to showcase their commitment to eliminating nuclear weapons altogether and the urgency of signing the Treaty on the Prohibition of Nuclear Weapons. Our suggestions are intended to strengthen the effectiveness and implementation of Articles 6 and 7 of the Treaty. We hope that states parties will review and discuss our suggestions in order to improve the lives of individuals and communities affected by nuclear weapons use and testing during the intersessional period. We look forward to the success of the First Meeting of States Parties and the adoption of some or all of our suggestions into TPNW implementation or consideration for future discussions. Our organizations are available to further discuss and collaborate with any states parties in strengthening the Treaty on the Prohibition of Nuclear Weapons.