

# **Recommendations from Japanese Civil Society on Articles 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons (TPNW) for the First Meeting of States Parties**

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**May 2022**

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# Introduction

Japanese citizens have sincerely welcomed the entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW), which bans these inhumane weapons and provides for their total elimination. Citizens also welcome the first Meeting of States Parties to the TPNW. Although the Japanese government has yet to indicate the intention to sign and ratify the treaty, public opinion polls show that more than 70% of Japanese citizens believe that Japan should do so.

Articles 6 and 7 are among the TPNW's central pillars. They stipulate assistance for victims of the use and testing of nuclear weapons, as well as environmental remediation and international cooperation for these purposes. Japan experienced the devastating effects of the atomic bombings of Hiroshima and Nagasaki in August 1945. Many Japanese fishing boats were exposed to radioactive fallout from nuclear tests conducted in the Pacific, which also caused radioactive rain that reached as far as the Japanese mainland. The Bikini Incident, in which crew on Japanese fishing boats were exposed to radioactive fallout, kickstarted the nuclear weapons abolition movement in Japan. And, although it was not caused by nuclear weapons, Japan also experienced the Fukushima nuclear disaster in March 2011. These incidents are all examples of the impacts of radiation on people and the environment.

In Japan, many experts and members of civil society have been working with sufferers to better understand and compensate for the harm caused by exposure to radiation, and to guarantee that sufferers' rights are protected and their dignity restored. Based on their knowledge and experience, this document makes recommendations to the Meeting of States Parties to the TPNW. We hope it will also be of use to governments not party to the treaty, as well as related organizations.

The abovementioned harm caused by nuclear weapons is not a problem of the past. It is long-lasting, and the trauma it causes passes from generation to generation. It continues to affect sufferers today.

Although the TPNW is focused on the use and testing of nuclear weapons, all related processes — from uranium mining to nuclear weapons' development, manufacture, and disposal — as well as all activities using nuclear fuel, including civilian use, create sufferers from exposure to radiation. It is necessary to understand the harm beyond a narrow medical perspective. It is also necessary to understand the various psychological, economic, and social impacts, including the difficulties faced by sufferers' families and descendants, as well the impacts on communities.

This document will discuss "nuclear sufferers," broadly defined as those affected by activities related to nuclear weapons. They include both the deceased and survivors. In this document, we refer to them as "sufferers" because they lived, or are living, with multifaceted suffering.

Victims of the atomic bombings of Hiroshima and Nagasaki are called "hibakusha" in Japanese. The word appears in the TPNW's preamble, meaning "victims of the use of nuclear weapons." As a Japanese word, hibakusha can mean both those who sustained harm from bombs' explosions as well as those exposed to radiation. Under the watchword of "No more hibakusha," the sufferers of the atomic bombings of Hiroshima and Nagasaki have demanded the abolition of nuclear weapons — to save humanity from the existential threat they pose — and for state compensation for the harm caused (i.e. the atomic bombings) as a result of Japan's war of aggression. Japanese civil society has been working in solidarity with many nuclear weapons sufferers, including those from nuclear tests conducted around the world, calling them "global hibakusha."

The TPNW provides for victim assistance from a humanitarian and human rights perspective, and does not explicitly stipulate that States Parties that have used or tested nuclear weapons must provide compensation, only that they have a responsibility to provide adequate assistance. The responsibility of these states should be discussed separately, in a manner consistent with other international treaties and agreements. Full cooperation, including information disclosure by states that have used or tested nuclear weapons, will be essential in providing appropriate victim assistance and environmental remediation.

There are still more than 13,000 nuclear weapons in the world today, and we are currently experiencing further modernization of nuclear arsenals and a new nuclear arms race. Thousands of nuclear weapons are on hair trigger alert, and some states have even openly stated the possibility of using nuclear weapons in war. A continuation of the status quo is sure to create new nuclear sufferers. The international community must address this issue with a sense of urgency.

Governments and policymakers who believe that nuclear deterrence contributes to international security must recognize the humanitarian and environmental consequences of nuclear weapons, along with the fact that rescue, recovery, and compensation are extremely difficult following their use. There is only one way to prevent irrecoverable harm — the total elimination of nuclear weapons.

# II

## Understanding nuclear harm



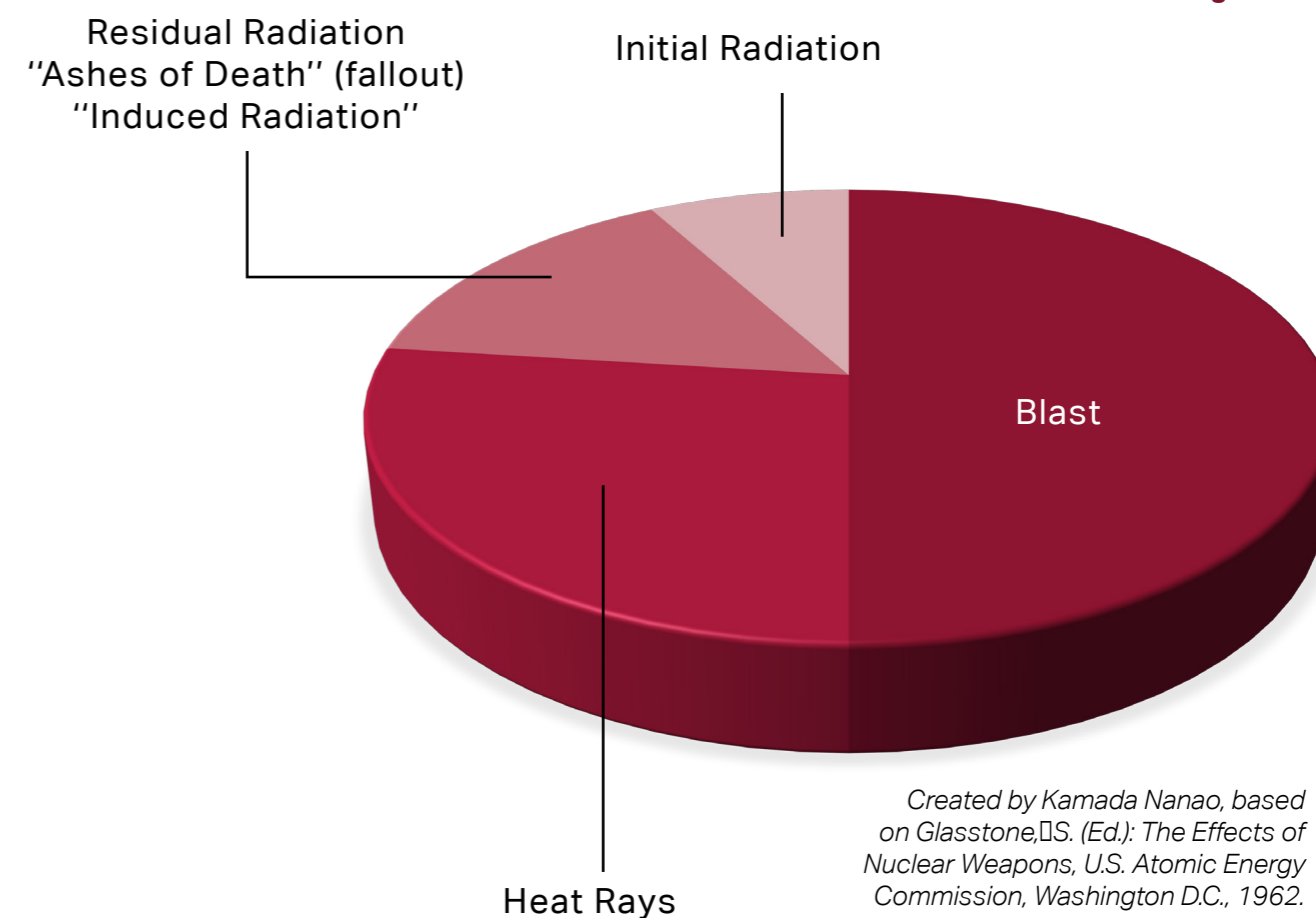
Atomic bombing of Hiroshima, Japan, 1945

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.

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 (**Figure 1**). Approximately 140,000 people had died in Hiroshima, and 74,000 in Nagasaki, from these two bombs by the end of 1945.

### A - Bomb Energy

Figure 1



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.

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.

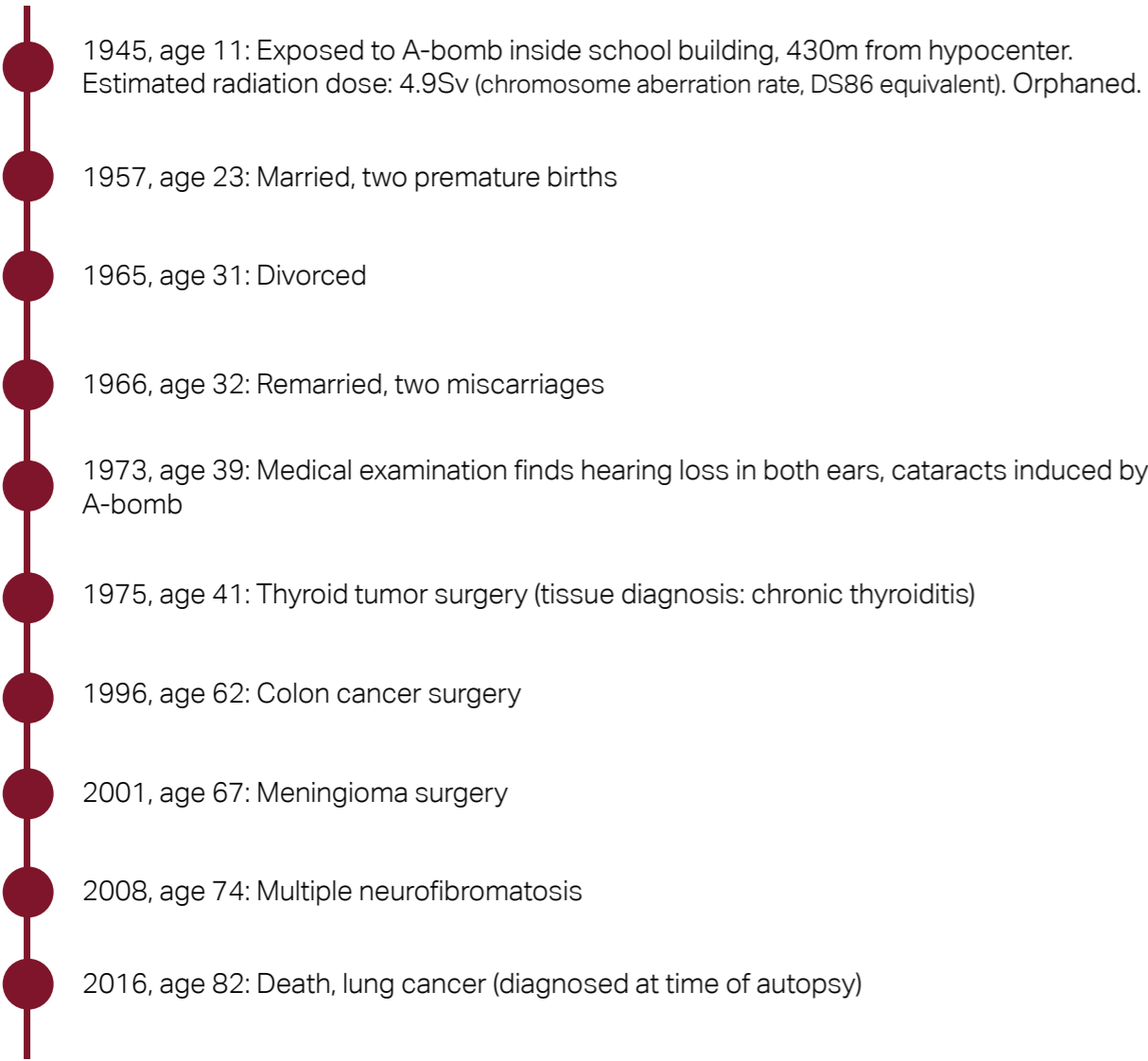
Out of the following nine points, the first five are important perspectives for understanding nuclear harm, based on findings from various studies and interviews conducted over many years in Hiroshima and Nagasaki. Points six through nine discuss further significant perspectives that have emerged as 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.

01.

The harm caused by radiation is lifelong

Life of one female hibakusha

Figure 2

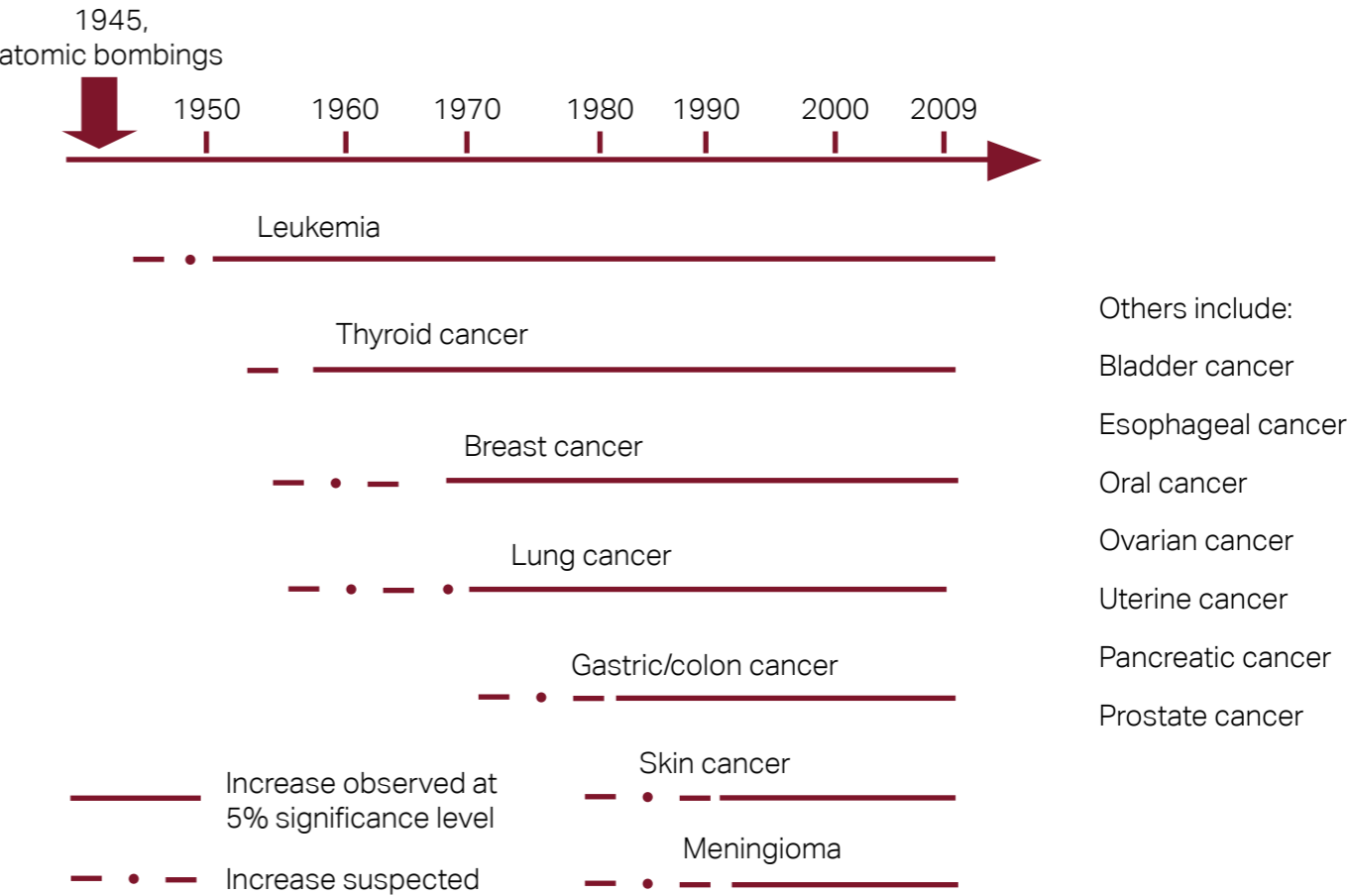


**Figure 2** shows how the life of a woman was impacted by her exposure to the atomic bombing of Hiroshima. It is one example from a survey of hibakusha who were within 500 meters of the hypocenter at the time of the bomb's detonation. Although few were able to survive at such close range, this woman was one of those who did. However, her family was killed in the bombing, and she became an orphan. Exposed to the bomb at age 11, the woman was forced to endure unbearable hardships, including constant illness, miscarriages, and divorce, until her death at 82.

**Figure 3** shows data from a study of the timing of cancer onset among hibakusha. 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, because human cells do not all have the same sensitivity to radiation. Therefore, hibakusha may suffer from multiple cancers that emerge over many years. In addition to cancer, other after-effects from radiation include growth retardation, cataracts, and increased mortality rates due to vascular disease of the brain and heart.

Onset of malignant tumors among hibakusha

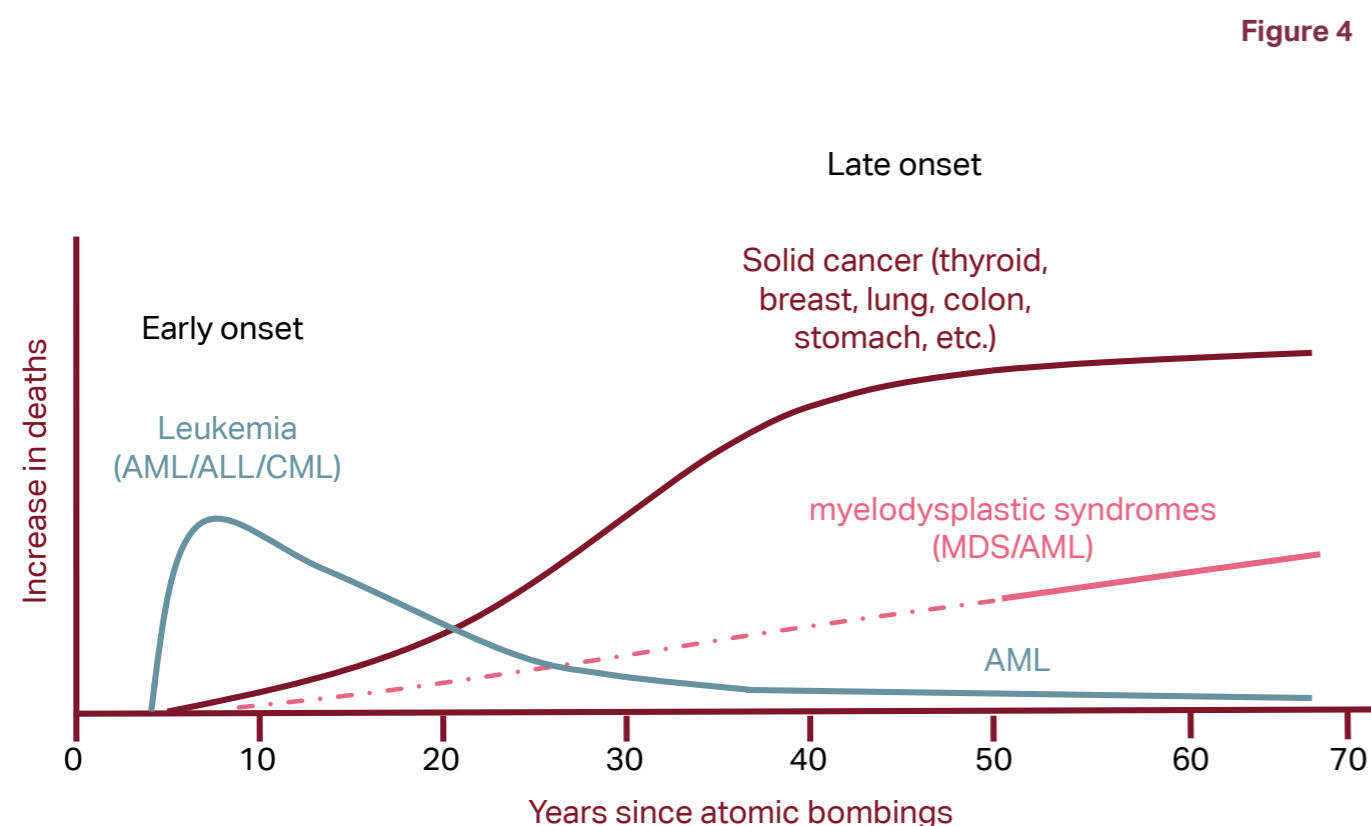
Figure 3



Based on Shimizu Y. et.al. Radiat Res. 121:120,1990&Grant.EJ et al. Radiat Res. 187:513,2017. Created by Kamada Nanao.

In addition, **Figure 4** shows that incidences of leukemia were first to increase in the years after the atomic bombings. Incidences of solid cancers and other disorders took longer to appear. By now, studies have proven that the effects of radiation from the atomic bombings are lifelong and persistent.

### Increase in number of leukemia and cancer deaths following atomic bombings: Proof of continuation throughout lifetime



Partially updated and modified based on the “Research Study on Impacts of the Use of Nuclear Weapons in Various Aspects,” commissioned by Japan’s Ministry of Foreign Affairs in 2013 (author, Tomonaga Masao et al., March 2014, Center for Disarmament and Non-Proliferation, The Japan Institute of International Affairs).

## 02.

### Listen to sufferers from marginalized groups, especially women and children

Many hibakusha find it painful to recall their experience of the atomic bombing. Moreover, they sometimes face discrimination for speaking out. For these reasons, many hibakusha are unable or unwilling to talk about their experiences.

In particular, it was not uncommon for female hibakusha to have difficulty getting married — or, if already married, being divorced — if their identity as a hibakusha was revealed. Others had concerns or fears 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. Some hid their identity as hibakusha, refused to obtain official recognition as such (which takes the form of a Health Handbook that gives hibakusha, as defined by law, access to medical assistance), and were thereby left out of assistance and care networks.

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, as well as that women are at higher risk of developing cancer than men. Thus, women and children not only face higher physical health risks, but also suffer particularly severe social and psychological impacts.



Female hibakusha, Nagasaki, Photographed March 17, 1948, John H. Lawrence

Unborn children were also exposed to the atomic bombs’ radiation. In particular, some children developed radiation-induced microcephaly and other disorders because their mother was near the hypocenter during an early stage of pregnancy. They were born with incurable intellectual and physical disabilities. Many, as well as their families, hid their identities as hibakusha in order to avoid prejudice and discrimination. The causal relationship between the atomic bombings and these disabilities was finally recognized by the government more than 20 years later, and in-utero hibakusha became eligible for assistance.

Based on the diverse experiences of hibakusha from Hiroshima and Nagasaki, it is extremely important to listen to sufferers, especially those belonging to marginalized groups, in order to understand the realities of nuclear harm.

## 03.

### Consider internal exposure, as well as the risks of low dose exposure to radiation

Over the years, various studies have been conducted on the effects of radiation on the human body. Continuing research, including CT scans of over 1 million children exposed to 20 to 30 mSv of radiation, is confirming increased risk of cancer. This challenges the long and widely held view that low-dose exposure below 100 mSv has no effect on human health.

Up to now, studies, including the one mentioned above, have focused exclusively on the effects of external exposure to radiation. However, recent years have seen an increased understanding of the importance of research on internal exposure to radiation. For example, a recent study of deceased hibakusha from Nagasaki confirmed the presence of plutonium in their organs and, thus, internal exposure to radiation. However, research to determine how long plutonium remains in surviving hibakusha and its relationship to health effects is still ongoing. It is not yet possible to draw definitive conclusions about the effects of internal exposure on the human body.

It is necessary to constantly review the scope of assistance for hibakusha, taking into account the latest research and the experiences and views of the hibakusha themselves.

## 04.

### The definition of “hibakusha” is too narrow, and some continue to seek recognition

Japan was occupied by the Allied Forces for seven years following its defeat in World War II in 1945. During that time, censorship concealed the harm caused by the atomic bombings of Hiroshima and Nagasaki, and hibakusha were not allowed to speak out about their suffering or seek assistance. Even after the occupation ended in 1952, the Japanese government failed to address the specific harms caused by the atomic bombings. For a decade after the bombings, the hibakusha were ignored by both the government and the general public, until the Bikini Incident in 1954 sparked a nationwide campaign to ban atomic and hydrogen bombs. Supported by the campaign, Nihon Hidankyo was formed in 1956 and began to demand that the government take measures to assist hibakusha. In 1957, the Law on Medical Care of the Atomic Bomb Survivors was enacted thanks to their efforts.

In order for sufferers to obtain an official Health Handbook for Atomic Bomb Survivors, the law defined “hibakusha” as any of the following.

1) Those who were directly exposed in Hiroshima or Nagasaki cities or adjacent designated areas when the bombs detonated. 2) Those who were exposed to radiation by entering Hiroshima or Nagasaki within 2 km of the hypocenter within two weeks of the bombings. 3) Those who were exposed to radiation through engaging in relief activities for victims, etc., in the surrounding area. 4) Those then in the wombs of hibakusha in categories 1 through 3. Although these criteria were set with the effects of radiation in mind, they were not based on clear scientific grounds.

As measures under the Law on Medical Care of the Atomic Bomb Survivors progressed, sufferers’ hopes for obtaining official recognition as “hibakusha” increased. Those not covered by the law, especially those who had been exposed to radioactive fallout such as “black rain,” requested that the government also recognize them as hibakusha. These efforts have continued until the present, including a July 2021 court ruling that certified 84 plaintiffs who claimed to have been exposed to “black rain” in Hiroshima as hibakusha. The ruling extended potential access to official assistance to more than 10,000 people who had not previously been eligible to be recognized as “hibakusha” in Hiroshima. Nagasaki, however, has not yet seen a similar action taken. 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.

## 05.

### Families of hibakusha are also nuclear sufferers

It is important to remember that the families of hibakusha are also nuclear sufferers.

Although the deceased are, in a sense, the greatest victims of the atomic bombings of Hiroshima and Nagasaki, they are not covered by Japan’s assistance measures. 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.

In addition, many hibakusha suffered from various long-term or recurring illnesses. If they were the breadwinner for their household, the whole family was soon forced to struggle with economic difficulties as well.

The great emotional trauma that hibakusha were left with often cast a shadow over their relationships with their families, who in some cases also suffered emotional distress.

Hibakusha have always been concerned about the effects of radiation on the human body, for both themselves and the next generation. For a short time after the atomic bombings, some individuals shunned hibakusha because they were afraid of “catching” the “A-bomb disease.” Discrimination against hibakusha with regard to marriage and employment continued for many years after the bombings, although it was often considered taboo to speak about it. Families of hibakusha also faced such discrimination, and many second-generation hibakusha worry about potentially developing health problems.



*Survivors moving along the road, Nagasaki, Japan*

## 06.

### **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 of Hiroshima and Nagasaki. It is said that, in Hiroshima, about 10% of the approximately 140,000 people who died by the end of 1945 were Korean. Many who survived the atomic bombing returned to the Korean Peninsula after World War II ended. Other victims included American, Dutch, Australian, British, and Canadian prisoners of war; Chinese, including those forcibly taken or mobilized as wartime laborers; and students from Southeast Asia. Many U.S.-born Japanese Americans had immigrated to Japan after facing discrimination in the

U.S. during the war, and thousands of them were exposed to the atomic bombings as well. Many returned to North America after the war.

The uranium used in the Hiroshima and Nagasaki atomic bombs was sourced from the Belgian Congo (now the Democratic Republic of the Congo) as well as from the U.S. and Canada. Nearby Indigenous peoples forced to work in the mines also became victims of the development of the first atomic bombs. The U.S.'s atomic bomb development program also exposed workers and residents to radiation and contaminated the land, the effects of which are still being felt today. These victims include residents near the first-ever nuclear testing site in Alamogordo, New Mexico, as well as workers at and residents near nuclear facilities in St. Louis, Missouri, where the uranium for the Hiroshima bomb was refined; in Hanford, Washington, where the plutonium for the Nagasaki bomb was produced; and in Los Alamos, New Mexico, where the first atomic bombs were designed and developed. Canada, which was also involved in the Manhattan Project, continued uranium mining and refining after the war, causing environmental pollution.

## 07.

### **Radioactive contamination of the environment has expanded around the world**

Nuclear harm is global in scale. Fission products produced by nuclear weapons tests and accidents at nuclear power plants 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. Some have become “nuclear refugees,” unable to return home even after the tests have ended.

The Marshall Islands faces a pressing need to address radioactive leaks from the “Runit Dome” nuclear containment site as its concrete structure ages and sea levels rise. Many other instances of radioactive environmental contamination around the world need to be addressed as well, such as the cleanup of closed nuclear test sites and nuclear weapons production facilities, and the disposal of nuclear waste, including that from dismantled nuclear weapons. It should also be noted that the military use of depleted uranium, a kind of nuclear waste, is causing new radioactive contamination.

We wish to recall that, at the International Symposium on the Damage and After-Effects of the Atomic Bombing of Hiroshima and Nagasaki held in Japan in 1977, it was noted that “All of us are hibakusha.”



Runit Dome, Marshall Islands

## 08.

### Nuclear harm is often drawn along colonialist and racist lines

It is revealing to consider where the world's nuclear tests have been conducted: often, 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.

Nuclear tests were carried out in the name of national security, but the safety, health, and livelihoods of those living in or near nuclear test sites were not seriously considered by those conducting the tests. The residents were not regarded as human beings deserving of equal protection.

States that have tested or helped develop nuclear weapons have failed to properly disclose information to residents and workers affected by these activities and have not adequately responded to their demands for compensation. In many cases, they have neglected to decontaminate residual radioactivity, producing further nuclear harm. Sufferers are demanding that their human rights be guaranteed, that their dignity be restored, and that justice be done.

## 09.

### Nuclear harm has been deliberately hidden

In the years after the atomic bombings of Hiroshima and Nagasaki, the harm they caused was both underestimated and deliberately covered up by the U.S. and Japanese governments. The only way to fully understand the harm — even now — is through the sufferers raising their voices to make it known.

During his tenure as Minister of Foreign Affairs of the Marshall Islands, the late Tony de Brum, who experienced U.S. nuclear tests, described nuclear culture as "deny, lie, and classify." 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.

Invisible, nuclear harm spans time and space. It not only causes diseases but also impacts many other aspects of life, culture, and mental wellbeing. It is necessary to deepen our understanding of nuclear harm by listening to the testimonies of those affected, by observing their daily lives, and by learning about their surrounding environment. Nuclear harm is too complex to define simply in terms of radiation dose figures: It extends through the entire community in ways that cannot be captured on an individual basis alone, and it is ongoing, with effects occurring and changing from day to day. Planning and implementation of victim assistance and environmental remediation must always be conducted with these points in mind.



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

## 01.

### Learning from the world's assistance systems for nuclear victims

Although often incomplete, assistance programs for nuclear sufferers have been established in various parts of the world. In order to provide meaningful assistance to the various types of sufferers, it is beneficial to understand existing systems.

#### 1 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 gray 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.

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; other assistance measures, such as consultations as part of welfare services and support for daily life in both Hiroshima and Nagasaki cities, are also being implemented. In addition, hibakusha suffering from diseases specified by the government receive cash allowances. As a result of hibakusha campaigns for government assistance, many of these benefits are no longer temporary measures but have come to be applied for life. The Health Handbook system is used to identify those eligible for assistance and continue their provision, as well as for medical record keeping and research.

#### 2 Measures for women and future generations

The TPNW's preamble states that nuclear weapons "pose grave implications for ... the health of current and future generations" and "have a disproportionate impact on women and girls." Under Japanese law, those exposed to the atomic bombings in utero are officially recognized as "hibakusha" and are thereby eligible to 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, including a test for multiple myeloma, a type of cancer. Third-generation hibakusha do not receive any government assistance.

In this context, 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."

### 3 Measures for environmental contamination

Some states have assistance programs for other kinds of harm not limited to health impacts. In the Marshall Islands and Kazakhstan, for example, assistance programs help address the harm caused by radioactive contamination of the environment.

In Kazakhstan, radiation's irreversible effect on the environment is one important aspect in determining an individual's eligibility for assistance. 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. It is essential to understand that contamination of the environment, especially in areas where people live, is a form of nuclear harm.

### 4 Challenges in assisting nuclear sufferers

All of these assistance programs for nuclear sufferers were realized 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. Various regions and impacted individuals in the U.S. and the Marshall Islands, for example, are excluded from their respective compensation systems. Furthermore, in the Marshall Islands, the compensation fund provided by the U.S. has been depleted and, with the exception of health care services, the system has ceased to function. The Marshall Islands has repeatedly requested additional compensation from the U.S., but the U.S. government has not provided them, claiming that the two states have reached a "full settlement."

"No More Hibakusha: Atomic Bomb Victims Demand," compiled by Nihon Hidankyo in 1984, calls on the U.S. government to "admit that the atomic bombings of Hiroshima and Nagasaki were against all humanity and a violation of international law, and to present a formal apology to the Hibakusha; this would be an acknowledgment of the need to abolish all nuclear weapons now possessed by the US, and the need to take the initiative in the campaign for elimination of all nuclear arms." It calls on all nuclear weapons states to conclude a comprehensive nuclear weapons ban treaty. It also demands that the Japanese government immediately enact a hibakusha assistance law "based on the principle of state compensation"; they view that establishing state responsibility to address the sufferers' needs would help prevent future use of these weapons, which would create more sufferers. Nihon Hidankyo's demand for state compensation stems from the Japanese government's responsibility for its war of aggression, which resulted in inhumane harm from the atomic bombings, and from the government's neglect of the hibakusha. However, the government has refused these demands, including compensation for the deceased, the greatest victims of the bombings, to be paid to surviving families.

In addition, there are still no assistance measures for fishermen exposed to U.S. nuclear tests in the Pacific Ocean. In the absence of any domestic legal basis to promote victim assistance, the Pacific Nuclear Disaster Assistance Center in Kochi Prefecture, Japan, is closely following developments related to victim assistance and international cooperation stipulated in the TPNW. The people of Kiribati, where there is no assistance system at all, and other regions used as nuclear test sites are also looking to the TPNW to provide assistance.

## 02.

### Necessary assistance and international cooperation

States Parties' positive obligations stipulated in Articles 6 and 7 of the TPNW are to remedy the human rights violations to individuals (sufferers) affected by the use and testing of nuclear weapons. The TPNW imposes a primary obligation to provide assistance on the State Party that has jurisdiction over the individual concerned (i.e., the State having the nearest relationship with the victim) and an obligation on other States Parties to provide assistance to that State Party through international cooperation. At the First Meeting of States Parties, States Parties should, above all, affirm their determination to provide human rights relief to sufferers, as well as to the principle of "shared responsibility" by States Parties for this purpose.

Based on the above, an implementation mechanism for Articles 6 and 7 should have the following elements. First, it should have the involvement of affected individuals, as only an implementation mechanism that reflects sufferers' needs will be able to "adequately provide ... assistance" (TPNW Article 6.1). Sufferers' participation in the relief process and being able to convey the harm they have experienced can itself help restore their human rights. It is also important to promote social inclusion, which is provided for in Article 6.1 of the TPNW, through sufferers' participation in this process. Sufferers' involvement is also required by Article 5.2 of the Convention on Cluster Munitions, which informed parts of the TPNW.

Sufferers' involvement is not limited to domestic implementation of the TPNW. Their participation, including sharing their experiences and views, at Meetings of States Parties and other international fora is also extremely important, and their involvement can also help promote efforts toward the TPNW's universalization. As part of their outreach activities to promote the universalization of the TPNW, sufferers' testimonies should play a major role in how States Parties educate others on the inhuman nature of nuclear weapons and sufferers' experiences. In Japan, the collection and passing down of hibakusha testimonies has been underway for many years. We hope the world will learn from and make use of hibakusha testimonies, which convey the harm caused by the atomic bombings, as well as hibakusha campaigns to prevent further use of nuclear weapons.

Second, a permanent forum for research and discussion should be created to help provide assistance to nuclear sufferers and implement international cooperation. Nuclear harm is still not fully understood, and continuous research and studies are necessary. The intersessional fora for the Anti-Personnel Landmines Convention and Convention on Cluster Munitions should be used as a reference.

Third, an international trust fund for victim assistance and environmental remediation should also be established. A fund is necessary not only to assist States Parties in implementing their obligations under Article 6, but to facilitate the aforementioned research and studies. In light of Article 7.5 of the treaty, this fund could be funded not only by States Parties, but also by States not party to this Treaty, international organizations, and civil society organizations. Furthermore, those eligible for assistance from this fund should include all nuclear sufferers, not only those from States Parties. States Parties should confirm at the First Meeting of States Parties that Article 7.4 does not limit assistance to victims located within States Parties, but opens the provision of assistance to nuclear victims around the world.

Fourth, a system — similar to those for human rights treaties — to review reports should be established. This would allow for international monitoring of States Parties' implementation of the TPNW, as well as promote and improve States Parties' national implementation measures. Furthermore, comments or observations by the human rights body established through this mechanism would likely be regarded as authoritative on nuclear sufferers' human rights, as well as corresponding violations and remediation methods. They would likely also be respected by human rights bodies under other human rights treaties.

Fifth, international cooperation does not need to be carried out by States Parties alone, but can include the participation of all states, international organizations, civil society, and affected parties. Practical examples of international cooperation conducted to date with the involvement of Japanese civil society include the First Global Radiation Victims Conference held in New York in 1987; citizen exchange and medical support by the Hiroshima-Semipalatinsk Project, a civil society organization established in 1998; the World Nuclear Victims Forum held in Hiroshima in 2015; and the World Nuclear Survivors Forum held online in 2021 (organized by Peace Boat). On these occasions, the importance of public and private education on global nuclear harm was repeatedly highlighted. Assistance for hibakusha living outside Japan has also progressed, thanks to 50 years of activism by the Association of Citizens for Supporting South Korean Atomic Bomb Victims and others.

In all the above areas, states that have used or tested nuclear weapons have, in theory, primary responsibility. Even though, without joining the treaty, they are not directly bound to fulfill the TPNW's positive obligations, they have a moral responsibility to cooperate with these efforts.

In conclusion, we would like to recall the Hiroshima Declaration adopted at the first World Conference Against Atomic and Hydrogen Bombs, a broad-based Japanese civil society meeting held in August 1955.

"The misery of the atomic and hydrogen bombs victims and sufferers must be made known to the whole world. Relief for them is urgently required and should be organized through an international solidarity movement. Only when atomic and hydrogen bombs are banned can we truly help the sufferers."

# IV

## Recommendations

### to the States Parties to the TPNW on Articles 6 and 7

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

**1. 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.

**2. Ensuring victims' participation:** We recommend the Parties affirm that affected individuals must be at the center 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.

**3. 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.

**4. 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 organizations, NGOs and other civil society organizations, and states not party to the treaty should be invited to provide relevant information.

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**9. 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 organizations or institutions, non-governmental organizations 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.

**10. 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.

# Recommended readings and links

## Recommended readings

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## Links

Japan Confederation of A-and H-Bomb Sufferes Organizations (Nihon Hidankyo)  
<https://www.ne.jp/asahi/hidankyo/nihon/english/index.html>

Seeking Justice: Compensation for Nuclear Victims/Survivors around the World  
<https://nuclear-justice.net/>

World Nuclear Survivors Forum 2021 (Organized by Peace Boat in partnership with the International Campaign to Abolish Nuclear Weapons)  
<https://nuclearsurvivors.org/>

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