Addressing nuclear weapons legacies: Opportunities for states to cooperate and engage towards shared humanitarian goals

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Introduction: Engaging with renewed efforts to address nuclear harm

The ongoing humanitarian and environmental impacts resulting from the legacies of past nuclear weapons use and testing continue to be an issue for communities in countries around the world today. In the context of broader discussion regarding the humanitarian impacts of nuclear weapons, a renewed international focus on addressing these ongoing legacies is likely to result from the implementation of the framework on victim assistance, environmental remediation and international cooperation and assistance contained in articles 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons (TPNW).

On 20 June 2022 in Vienna, the Government of Austria will host a one-day conference on the Humanitarian Impacts of Nuclear Weapons, to which all countries and interested parties are invited to consider the latest evidence on the risks and humanitarian consequences of nuclear weapons. Discussion of these themes, including responding to the ongoing legacies of past nuclear weapons activities, will continue at the First Meeting of States Parties of the TPNW, taking place June 21–23 2022 in Vienna.

For states who are not party to the TPNW, but who support objectives such as sustainable development, the realisation of human rights and environmental priorities, engagement with work to address nuclear harm – including that taking place under the implementation of TPNW articles 6 and 7 – offers positive opportunities:

- To participate in discussions, share their expertise and hear from others on how these legacies might be best addressed;
- To support humanitarian, development, and environmental responses communities affected by past nuclear weapons use and testing; and
- To constructively engage with the TPNW and its states parties and build bridges in an area where they have shared humanitarian goals.

Key background information:

- The ongoing harm from nuclear weapons use and testing remains a humanitarian, human rights and environmental concern for communities around the world. Affected communities’ demands range from the release of information and recognition, through health and social and economic support, to financial compensation. Existing models and policies have often left gaps and shortcomings.
- Articles 6 & 7 of the TPNW – on victim assistance, environmental remediation, and international cooperation and assistance – provide the first international framework
for addressing these harms. They create obligations on TPNW states parties who have populations or areas that are still experiencing harm from nuclear weapons use and testing to take further practical action towards addressing these issues, with the support of other states parties.

- States will likely agree to steps to begin implementing Articles 6 & 7 at the upcoming First Meeting of States Parties (MSP) to the TPNW - these will likely be initial action points for affected states to begin assessments of their national situations and start national implementation plans; for other states to coordinate on cooperation and assistance; the creation of intersessional discussions; and commitments on inclusion in this work of affected communities and other stakeholders.

- Affected states parties Kazakhstan and Kiribati are currently leading work to generate recommendations for the outcome documents of the MSP in coordination with others. Their territories were subject to nuclear testing, and they have populations identifying themselves as affected by this. Algeria (a TPNW signatory) was also subject to nuclear testing and has self-identified affected communities. Two further states parties have small populations of individuals that have identified themselves as affected from being present in the vicinity of nuclear tests: Fiji and New Zealand. Other states may have recorded radioactive fallout at the time of nuclear tests, but the present-day impacts of this, and what responses may be required, may not currently be known.\(^1\)

- States that are not party to the TPNW can also contribute to assistance for affected communities and environmental clean up through this framework. There is precedent for this under other treaties: for example, states not party to the Mine Ban Treaty have donated to humanitarian mine action and attended its Meetings of States Parties to engage on these issues. The frameworks for victim assistance and land clearance in the Mine Ban Treaty and Convention on Cluster Munitions have been used to renew focus, attract international resources and raise standards for affected communities.

- This is an area where bridges can be built with TPNW states parties: with humanitarian norms and rules under pressure internationally in recent years, there is an even greater imperative for states to engage and do this where they have shared values.

Possible actions states not party could to take to engage in this area

1. Attend and engage with the evidence brought to the Vienna conference on the Humanitarian Impacts of Nuclear Weapons regarding ongoing impacts, including survivors’ testimonies.

2. Continue engaging with this conversation through contributing constructively as an observer to the TPNW first MSP, for example:
   - Raise in any statements their views on the importance of efforts to address nuclear weapons’ legacies, and the synergies with different frameworks, for example:
     - Recognising that there are ongoing humanitarian and environmental impacts of past nuclear use and testing around the world

\(^1\) This is given for information only: States parties will assess whether they have Article 6 obligations.
Welcoming states parties’ commitment to understand and respond to this

Noting that addressing nuclear legacies serves objectives such as meeting the Sustainable Development Goals and human rights obligations

- Give constructive input where appropriate on the structures of work being proposed in this area at the MSP, based on their expertise (for example from other treaties)

3. **Assess the relevance of work to address nuclear harm to national priorities, for example:**
   - Explore how engaging with work to address nuclear legacies could intersect with other national humanitarian, development, and environmental goals
   - Explore the synergies between humanitarian objectives under the NPT and the implementation of articles 6 & 7 of the TPNW

4. **Assess the expertise they could contribute to efforts to address nuclear harm under the TPNW and beyond, for example:**
   - Assess technical or thematic expertise they have nationally that could support international work to address nuclear harm
   - Assess how cooperation and assistance to address nuclear harm could be integrated into existing humanitarian and development work, including the work of UN agencies and other organisations that they already support the work of
   - Identify information they may have in national archives (e.g. past fallout monitoring) that might be useful to developing understandings and assessments of nuclear legacies

5. **Engage with stakeholders working to address nuclear harm, for example:**
   - Conduct outreach and dialogue with affected states regarding where support or engagement could usefully contribute to their work to address nuclear legacies
   - Discuss with TPNW states parties whether expert participation or other support could be provided to informal intersessional work
   - Support inclusivity in work to address nuclear harm, for example through providing support to affected community organisations’ work (including research and advocacy); providing support to their participation at international/national/regional meetings; or providing support to other civil society work in this area
   - Conduct outreach and dialogue with other states not party to the TPNW on engaging in cooperation and assistance towards collective efforts to address nuclear harm

**Further reading on nuclear weapons legacies and articles 6 and 7**