

How the Treaty on the Prohibition of Nuclear Weapons responds to the ongoing impacts of nuclear weapons in communities

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In Articles 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons (TPNW) on ‘victim assistance, environmental remediation, and international cooperation and assistance’, states that join the treaty commit to work together to address ongoing humanitarian, human rights, and environmental impacts from nuclear weapons.

The purpose of their work must be to make a practical difference, with and for affected communities.

To do this, TPNW states parties’ main goals should be to:

- Centre affected communities and work inclusively, to do work that meets communities’ goals and upholds their rights;
- Improve the standards and range of assistance provided to communities; and
- Increase the international resources available to victim assistance and environmental remediation activities.

Meeting these goals will require time, commitment, and collaboration from countries that have joined the TPNW (its states parties), as well as their partners.

This FAQ describes what the countries that have joined the TPNW have committed to do, what they have been working on so far, and what we might expect from this work in coming years.

What are the ongoing impacts of nuclear weapons?

Impacts continue to be felt in communities around the world today from the [use](#) of nuclear weapons in Japan in 1945, their [testing](#) in 15 present day countries and territories,¹ and other activities relating to nuclear weapons’ development and production. The long-term legacies of these activities include the physical health effects of radiation; mental health impacts in communities; social and economic impacts; continued displacement; cultural harm to Indigenous Peoples; and contaminated lands. Many of these impacts are ongoing and intergenerational. Many are worsened by [secrecy](#) around states’ nuclear activities, and [inadequate](#) practical responses, compensation, recognition or justice. Affected communities’ calls for justice for this harm include seeking: the release of information and recognition; health, social and economic support; financial compensation; and improved measures to protect communities from contamination.

¹ Algeria, Australia, China, Democratic People’s Republic of Korea, French Polynesia/Ma’ohi Nui (non-self-governing territory administered by France), India, Japan, Kazakhstan, Kiribati, Republic of the Marshall Islands, Pakistan, Russia, Turkmenistan, Ukraine, United States, and Uzbekistan.

What do Articles 6 and 7 on ‘victim assistance, environmental remediation and international cooperation and assistance’ say?

In Article 6.1 of the TPNW, states parties commit to provide assistance to individuals in their countries that are affected by the use or testing of nuclear weapons. The concept of ‘assistance’ here is of a holistic, practical response to current problems. It includes physical and psychological health care, as well as promoting the social and economic inclusion of affected people. The treaty specifies that this assistance should be provided in a way that is sensitive to the age and gender of affected people, and that it should be done ‘without discrimination’. The treaty also says that assistance should be provided according to international humanitarian and human rights law. The goal is to address immediate needs and for affected people to fully enjoy their human rights. It is not to provide the redress which those who caused harm should give.

In Article 6.2 of the TPNW, states parties commit to take measures towards remediating environments contaminated by the use or testing of nuclear weapons in their countries. Places contaminated by nuclear weapons can never be fully restored to how they were before. Rather, to fulfill their obligation on environmental remediation, states might take steps such as measures to protect communities from sites of radioactive contamination as well as measures for the treatment of contaminated areas and materials.

In Article 7 of the treaty, all states parties to the TPNW commit to cooperate to implement these obligations. Those states parties who are able to have also committed to assist with financial, technical and other support to affected states parties to provide victim assistance and environmental remediation. Article 7.5 says that assistance can be provided through other organizations, such as for example the United Nations, the International Committee of the Red Cross, and non-governmental organizations, providing opportunities for collaboration and partnership with the TPNW’s supporters and affected communities.

Articles 6 and 7 together create a framework of shared responsibility, in which all states parties to the TPNW have committed to help states parties with affected communities, to take steps to deal with the humanitarian and environmental impacts of nuclear weapons. They establish the first international legal framework to address the ongoing humanitarian and environmental impacts of nuclear weapons.

Which nuclear weapons activities do Articles 6 and 7 cover the impacts of?

The text of Articles 6 and 7 explicitly covers the impacts of the use and testing of nuclear weapons – the articles do not refer to other nuclear weapons activities that have harmed communities. The preamble (introduction) to the treaty does, however, draw attention to the disproportionate impact of nuclear weapon ‘activities’ as a whole on Indigenous Peoples, and of ‘nuclear weapons’ in general on women and girls. States parties to the TPNW have so far only considered the impacts of nuclear weapons use and testing in their work on Articles 6 and 7.

Who has to implement these obligations?

Legally, states parties to the TPNW have to implement these obligations (a list of the current states parties is available [on ICAN's website](#)). Currently, two states where nuclear weapons were tested (Kazakhstan and Kiribati) are party to the treaty, as are two states with a small community of nuclear test veterans (Fiji and New Zealand).

Under the TPNW states parties with affected communities have the 'primary responsibility' to implement Article 6. This means that because of their sovereignty over their countries, and their responsibilities for their people's human rights, they should ensure that victim assistance and environmental remediation take place, and are best placed to oversee this. Such activities might be provided through others, such as UN agencies or NGOs, or be funded by other states or donors. Taking on this responsibility to implement Article 6 does not mean that affected states are taking the blame or liability for the actions of other countries that tested nuclear weapons.

Other countries that have not joined the TPNW do not have legal obligations under the TPNW specifically to provide victim assistance, environmental remediation and international cooperation and assistance. However, the TPNW's obligations and their implementation give an opportunity to encourage other countries to recognise and work to address nuclear harm and provide nuclear justice. States with affected people and places or that have used or tested nuclear weapons, and all those concerned with the humanitarian impacts of nuclear weapons, should also be encouraged to join the treaty as the key international framework for addressing these humanitarian consequences. More broadly, implementing the humanitarian and human-rights based approach to addressing harm in the TPNW gives an opportunity to encourage all countries to better understand and respond to the humanitarian and environmental impacts of all nuclear weapons activities.

What about the responsibilities of the nuclear-armed states?

The TPNW's Articles 6 and 7 do not themselves address measures for justice, reparation, or assistance that affected states or communities may seek from nuclear-armed states that used or tested nuclear weapons and are not currently part of the TPNW. But, the TPNW can be complementary to these efforts - and it does not affect them from a legal perspective. Article 6.3 of the treaty states clearly that the commitments of affected states parties to the TPNW do not replace any other agreements they might have with other countries on these matters, or the legal obligations that other states have.

Through TPNW Articles 6 and 7, states parties have committed to doing what they can with the resources they have to help affected states parties address ongoing impacts. Whether or not nuclear-armed states that are not party to the treaty are ready to fulfill their responsibilities in this area, the suffering of affected communities deserves a response from all those concerned with the humanitarian impacts of nuclear weapons. Articles 6 and 7 of the TPNW intend to serve this goal. It is a framework of solidarity that concentrates on working towards better meeting the current humanitarian, human rights, and environmental needs of communities.

Article 7.6 also highlights that any state that has used or tested nuclear weapons that joins the TPNW has a clear responsibility to provide adequate assistance to affected states parties for victim assistance and environmental remediation.

How does the TPNW define affected individuals, communities or countries?

The treaty does not have a definition of who is an affected individual, community, or state. Article 6 refers to “individuals under [a state’s] jurisdiction who are affected by the use or testing of nuclear weapons” and “areas under [a state’s] jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons”. From legal precedent, the ICRC (International Committee of the Red Cross) [considers](#) that victims of use and testing “include all persons – whether civilians or combatants – who have been killed or who have suffered physical or psychological injury, economic loss, social marginalization or substantial impairment of the realization of their rights caused in whole or in part, directly or indirectly, by the detonation of nuclear weapons, as well as their families and communities, provided they were so affected.”

A focus on substantial impacts on people’s rights should be the starting point for states parties’ and their supporters’ work on Articles 6 and 7: though the world as a whole has been affected in different ways by the use and testing of nuclear weapons, certain communities and people are facing clear, grave, and urgent challenges - and are advocating for responses. All states parties should assess whether they have individuals or areas affected, share information on this at the TPNW’s meetings, and declare their commitment to implement Article 6 if they do.

What work have states parties to the TPNW done on Articles 6 and 7?

So far, states parties have concentrated on: laying the foundations for their work to implement Articles 6 and 7, through agreeing principles and specific steps towards doing so; and, working to build attention and commitment to the issue of addressing nuclear legacies amongst the international community.

At the first Meeting of States Parties to the TPNW, held in Vienna in 2022, states parties agreed the [Vienna Action Plan](#), which describes how they will take forward implementing the treaty in the coming years. Commitments on Articles 6 and 7 are in actions 19-32 and 49-50: these establish an inclusive framework for implementation which is unique in nuclear disarmament. States parties committed to implement victim assistance, environmental remediation and international cooperation and assistance according to principles of inclusivity, accessibility, transparency and non-discrimination. They also pledged to engage a range of stakeholders, including civil society and Indigenous Peoples, and to actively involve and consult with affected communities in their work. States with individuals or areas affected by the use and testing of nuclear weapons committed to start doing assessments and developing national plans on responding to these legacies, and to share their progress with the second Meeting of States Parties. States also committed to developing or looking into other tools and structures that could support their work, including voluntarily reporting on their progress.

Since Vienna, Kazakhstan and Kiribati have led discussion amongst states parties, with the involvement of civil society, on taking forward some of these actions, within an [intersessional informal working group](#) (a structure to hold discussion between meetings of states parties agreed at the first Meeting of States Parties). They have concentrated on the areas of national implementation, voluntary reporting and the possibility of establishing an international trust fund for states that have been affected by the use or testing of nuclear weapons. They have proposed decisions for the second Meeting of States Parties to take discussion on these areas forward, as well as to provisionally adopt a format and guidelines for states to report on their national situations regarding nuclear legacies, share progress, and make requests for assistance.

Elsewhere, states parties to the TPNW have raised the importance of efforts to address nuclear legacies in forums such as the Non-Proliferation Treaty and UN General Assembly. In 2023 Kazakhstan and Kiribati proposed a resolution to the UN General Assembly's First Committee on '[Addressing the legacy of nuclear weapons](#)', which sought to raise awareness of these issues, note recent international attention to them (including under the TPNW), and encourage states to take action to support to affected states. It was passed by a large majority with only four nuclear-armed states voting against - representing a significant achievement in building international recognition of the importance of addressing ongoing impacts and the need for greater international commitment to do so. It also shows the impact of the TPNW in changing the international conversation on nuclear weapons and acknowledgement of their impacts.

When might an international trust fund be operational, and what and who might it give money to?

Since Vienna, a major item of TPNW states parties' discussion in the informal working group on articles 6 and 7 has been on the possibility of "establishing an international trust fund for States that have been affected by the use or testing of nuclear weapons" which would among other things "provide aid to assist survivors and to support measures toward environmental remediation" (wording from action 28 of the Vienna Action Plan). International trust funds as referred to in action 28 are generally either a body set up by states parties to a treaty to financially support the implementation of their obligations, or a body that is independent of a treaty but is designed to financially support particular humanitarian activities.

States parties have not made any decisions yet on whether they will establish a voluntary international trust fund or how it will operate. A milestone will be the third Meeting of States Parties, which will likely take place in 2025: at the second Meeting of States Parties, states are likely to commit to continue discussions, draft a terms of reference, and make recommendations to the third Meeting of States Parties on the potential for establishing a fund. A trust fund could be established in 2025 if states parties have worked out the necessary structures and funding to make it operational - but this is not certain.

Though nothing has been decided yet, some key issues for states to consider include whether a fund should be open to donations from states not party and other donors, and what kind of activities or assistance it might fund. ICAN's recommendations on these questions, and others

Kazakhstan and Kiribati sought views on this year, including for inclusive structures and decision-making, are available in our paper '[Recommendations on an International Trust Fund](#)'.

Given the legal structure of Article 6, which is focused on practical assistance and remediation activities rather than compensation, it may be unlikely that a future trust fund would give money directly to individuals. It might be more likely to focus on funding services or other work that serves affected communities (which could include, for example, work done by affected communities' organizations). Though Articles 6 and 7 emphasizes the responsibilities of states to provide victim assistance and environmental remediation, and of international cooperation and assistance between states to support this, [other](#) international trust funds not only provide funding to states but also give grants to other organizations to implement projects that serve the fund's objectives. Other issues for states parties to discuss include whether funding might be extended to communities or states that are currently outside of the TPNW: so far it appears that states parties may be unlikely to do this in the early stages of any fund that is linked directly to the TPNW, due to likely resource constraints and prioritizing action in states who are committed to the TPNW. However, none of these issues have yet been decided on.

What can we expect from states parties to the TPNW and the international community in the coming years?

The TPNW is still a relatively new treaty, and many of its states parties are smaller or lower income countries. A lot of states that donate considerable amounts to humanitarian assistance are not yet party to the treaty (and many are opposed to it). This means that resources for financial assistance within the TPNW are currently not as high as in some other treaties. Addressing nuclear legacies is also a complex and long-term task, and states parties must develop their national approaches according to the new humanitarian framework established in Articles 6 and 7 of the TPNW. Generating considerable practical impact through Articles 6 and 7 will thus take time and commitment from states parties and their partners, working collaboratively as set out in the Vienna Action Plan. We must be ambitious and committed to meet the goals identified at the start of this FAQ.

In the coming years, as well as discussion on a trust fund and other ways to strengthen the framework for implementing Articles 6 and 7, more work should be expected from TPNW states parties on their national implementation: for affected states, to continue work on assessments and plans; for all states, to start offering the cooperation and assistance that they can; and for all states to also discuss how Articles 6 and 7 should be implemented to uphold the principles agreed in the Vienna Action Plan, as well as obligations for age and gender sensitivity and non-discrimination in victim assistance.

More broadly, with work underway in the TPNW to develop victim assistance, environmental remediation, and international cooperation and assistance, and a new resolution in the UN General Assembly on this issue, the wider international community should feel the pressure to engage practically with efforts driven by the TPNW to address the ongoing impacts of nuclear weapons in communities.