

Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Addressing the legacy of nuclear weapons

Working paper submitted by Kazakhstan, Kiribati and the Marshall Islands

I. Introduction

1. Since the Trinity Test, more than 2,000 nuclear explosive tests have been conducted worldwide, including in Non-Self-Governing Territories.
2. In most cases, nuclear-weapon States selected distant and remote areas to avoid both international and domestic scrutiny for their nuclear testing. They justified nuclear testing to the public as necessary, while simultaneously aiming to avoid accountability for its environmental and humanitarian consequences.
3. Many nuclear-weapon States that tested nuclear weapons failed to receive consent for the testing from local communities, primarily Indigenous Peoples living near nuclear test zones. Furthermore, there was no disclosure of the harm to people and the environment caused by nuclear tests, and in some cases, there were deliberate studies of the impacts on the health of people exposed to large amounts of radiation.
4. Nuclear tests have caused widespread humanitarian and environmental harm beyond the affected States' national borders. These tests hampered socioeconomic development among affected communities, contaminated ecosystems and local food and water sources, and harmed the health of the exposed populations and their descendants, especially women and girls.
5. Those affected by the nuclear tests often received little or no physical protection from the radioactive fallout of these tests. Consequently, they suffered both physical and psychological harm.
6. Atomic veterans who were stationed near the test sites also frequently suffered from the health consequences of radioactive fallout, including physical and psychological disorders.
7. Nuclear-weapon States that conducted the tests have made some attempts at providing financial compensation and medical care to affected communities, some of which include their own citizens, who were exposed to radiation. Such efforts have yet to prove adequate.



8. At the time of the testing, the United Nations membership failed to prevent this unfolding tragedy from reaching the proportions that have led to the level of pain and suffering present today. In the 1950s, several Marshallese leaders petitioned the United Nations to intervene to halt the United States nuclear testing in the Marshall Islands, but the United Nations did not condemn the tests. Instead, the United Nations Trusteeship Council was misled, and through its membership approved two resolutions that explicitly condoned nuclear tests. They are Trusteeship Council resolution 1082 (XIV), adopted in 1954, and resolution 1493 (XVII), adopted in 1956, in support of future nuclear tests under the false pretence of “world peace and security”. Ultimately, 67 large-scale nuclear tests were carried out in the Marshall Islands, 33 of which occurred in a period of less than four months in 1958.

9. Nuclear-weapon States dispatched their own scientists to study the humanitarian, medical and environmental impacts of these tests. Many of these scientific studies remain classified and restricted to the public, including the victims and their families, as well as atomic veterans who participated in the tests.

10. In recent years, new scientific research has revealed the multifaceted and cascading effects of the catastrophic humanitarian impact of nuclear weapons detonations and their associated risks. These effects and risks include persistent radiological contamination at test sites, especially near Indigenous and non-self-governing peoples, higher radiation exposure than had previously been suggested, and the disproportionate impact of ionizing radiation on women and girls.

11. The survivors of the past use of nuclear weapons (hibakusha), those who have suffered the use of nuclear weapons irrespective of their nationalities and origins, as well as those affected by the testing of nuclear weapons, have urged young people to interact with them and visit the test sites to learn about the humanitarian and environmental impacts of nuclear weapons. Their testimonies clearly reveal the unacceptable humanitarian and environmental consequences and ongoing legacies caused by the uncontrollable destructive capability and indiscriminate nature of nuclear weapons.

II. What is nuclear justice?

12. The survivors of the past use of nuclear weapons (hibakusha), those who have suffered the use of nuclear weapons irrespective of their nationalities and origins, as well as those affected by the testing of nuclear weapons, have varying perspectives on nuclear justice. For some, this type of justice is about the need to heal themselves and their communities and to remediate their land near the impacted sites.

13. Nuclear justice is also centred on the need for the nuclear-weapon States, which tested nuclear weapons, to accept and acknowledge their responsibilities and to apologize for the harm that they have caused. As part of the apology, affected States parties and communities must receive international support, such as technical, scientific and financial assistance from nuclear-weapon States and other States parties in a position to do so.

14. While affected communities and States have different definitions of what nuclear justice is, it is important to note recent international developments that are closely associated with nuclear justice.

III. Recent developments on nuclear justice

15. Starting with the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties expressed their deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons. At the 2015 Review Conference, several large groups of States parties reaffirmed and expressed this concern. Specifically, 159 States parties recognized that the catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed and that the only way to guarantee that nuclear weapons will never be used again is through their total elimination.

16. Survivors and victims of nuclear tests delivered testimonies at the Conferences on the humanitarian impact of nuclear weapons, convened by Norway, on 4 and 5 March 2013, Mexico, on 13 and 14 February 2014, and Austria, on 8 and 9 December 2014 and on 20 June 2022. The experiences and testimonies of survivors and victims of the tests contributed to a wider understanding of the harmful effects of the testing and use of nuclear weapons, especially the gendered and disproportionate impact of ionizing radiation on women and girls.

17. On 7 July 2017, 122 States adopted the Treaty on the Prohibition of Nuclear Weapons after a negotiating conference on the matter. The Treaty contains robust humanitarian provisions and positive obligations on victim assistance, environmental remediation and international cooperation and assistance. These provisions were further reinforced in the Vienna Action Plan, adopted at the first meeting of States parties to the Treaty, on 22 June 2022.

18. On 13 October 2022, the Human Rights Council adopted its resolution [51/35](#), entitled “Technical assistance and capacity-building to address the human rights implications of the nuclear legacy in the Marshall Islands”.

19. In 2023, at the seventy-eighth session of the General Assembly, an overwhelming majority of States (179 States) voted in favour of adopting resolution [78/240](#), entitled “Addressing the legacy of nuclear weapons: providing victim assistance and environmental remediation to Member States affected by the use or testing of nuclear weapons”. In the resolution, the Assembly urges Member States, which have used or tested nuclear weapons or any other nuclear explosive devices, to share, as appropriate, technical and scientific information regarding the humanitarian and environmental consequences of such use and testing with Member States affected by the use or testing of nuclear weapons or any other nuclear explosive devices, and calls upon Member States, in a position to do so.

IV. Discussion on nuclear justice at the second session of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20. At the forthcoming second session of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, we propose that States parties should initiate discussions on victim assistance and environmental remediation with the nuclear-weapon States in line with, but not limited to, resolution [78/240](#).

Immediate recommendations

21. The discussion should focus on the following:

(a) Recognition of the transboundary effects of nuclear weapons, including the intergenerational physical, mental and social trauma caused by nuclear testing;

(b) Acknowledgment among the nuclear-weapon States, which conducted the tests, to recognize their responsibility to provide technical and financial assistance to affected States parties, communities and atomic veterans;

(c) Pledge to provide access to scientific information related to the humanitarian and environmental impacts of the nuclear tests.

22. States parties should frame these discussions within the context of article VI of the Non-Proliferation Treaty and can further address them in any other business at the Preparatory Commission.

23. Discussions on nuclear justice would help to advance victim assistance and environmental remediation within the context of multilateral nuclear non-proliferation and disarmament forums.

Long-term recommendations

24. Nuclear justice discussions should also lead to the development of recommendations on victim assistance and environmental remediation for Main Committee I at the upcoming 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. These recommendations may include pledges by States parties, in a position to do so, to offer financial, technical and scientific resources to help affected States parties, and expansion of national policies to provide compensation to second- and third-generation victims in fulfilment of their article VI obligations and in the spirit of the final outcome document of the 2010 Review Conference.

V. Conclusion

25. States parties should advocate for references to nuclear justice and the aforementioned recommendations in the Chair's factual summary.