



The Collective IndependentWHO

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Open letter to the Director-General of the World Health Organization on the independence of WHO in relation to the health effects of ionising radiation

The objective of the World Health Organization (WHO) as stated in Article 1 of its constitution, is *"the attainment by all peoples of the highest possible level of health."* In order to achieve this objective, Article 2 specifies among the functions of WHO: " ... to act as the directing and coordinating authority on international health work", and "... to assist in developing an informed public opinion among all peoples on matters of health".

This letter is addressed to you by the collective "IndependentWHO" in order to remind you of these fundamental obligations. It is written on behalf of all victims of nuclear activities and especially of the Chernobyl accident, notably the "Liquidators", the inhabitants of the contaminated zones and the children living, or yet to be born.

As stated in our letter of 24 March 2007 (attached), the Agreement (WHA 12-40 signed on 28 May 1959) between WHO and the IAEA, prohibits the international health authority from undertaking activities prejudicial to the interests of the IAEA. WHO thereby loses its freedom and its authority to control and coordinate matters relating to radiation and health. The terms of this Agreement run counter to the constitutional obligations of WHO.

Early in 1990, WHO was invited by the Soviet Ministry of Health to set up an international aid programme. According to the chronological memorandum issued by Dr Nakajima (Director-General of WHO at the time) during the conference that he convened in Geneva, 20 – 23 November 1995, the international project was undertaken and completed by the IAEA in May 1991. Hence, it was the IAEA, rather than WHO, that provided the information and other aspects of the assistance requested by the Ministry of Health of the USSR.

Furthermore, the proceedings of this conference on the health consequences of Chernobyl were censored. Dr. Nakajima testified to this censorship in a documentary on Swiss-Italian TV in 2001¹ imputing it to the legal ties binding WHO and the IAEA. As far as we know, these proceedings remain unpublished.

Since 26 April 2007, our collective has held a non-violent, protest every working day from 8.00 a.m. to 6.00 p.m. to remind WHO of its obligations. At the entrance of the WHO headquarters in Geneva, the protesters hold a silent vigil to demand WHO's independence, so that truth may replace lies in relation to the health consequences of the Chernobyl accident. Together with the IAEA, WHO continues to maintain that the Chernobyl catastrophe has resulted in around 50 deaths and 4000 thyroid cancers. These latest figures date from 5 September 2005². Bearing in mind your high level of responsibility, the denial of all other victims, past, present and future is inadmissible.

¹"You must understand that " *the IAEA reports directly to the Security Council of the UN. And we, all specialized agencies, report to the Economic and Social Development Council. The Organisation which reports to the Security Council, - not hierarchically, we are all equal - but for atomic affairs... military use and... peaceful or civil use... they have the authority.*" .. in "Atomic Lies" by Wladimir Tchertkoff

² WHO, IAEA, UNDP press release: *"Chernobyl: the true scale of the accident"*.

Your position is open to criticism, particularly in relation to the recent declarations of recognized authorities within the UN family, to which you belong. During its 54th session, 29 May - 6 June 2006 and in its report on *"Non targeted and delayed effects of exposure to ionizing radiation"* (§C29 to 33), UNSCEAR (United Nations Scientific Committee on the Effects of Atomic Radiation) effectively called into question a "dogma" in the field of radiation protection of living organisms.

On 15 September 2006, the IRSN (Institut de Radioprotection et de Sûreté Nucléaire) produced a summary of the UNSCEAR report which acknowledged that: *"non-targeted effects (effects with various mechanisms) share a common characteristic: they are not related to energy deposit in cell nuclei, which until recent years was the central dogma of traditional radiobiology. Consequently, the carcinogenic effects are somehow tied to mutagenic and clastogenic risks."* In other words, low doses can be responsible for pathogenic effects.

To what use has WHO put the findings approved by this specialized agency of the United Nations?

Detailed documentation on these questions is to be found in the two books enclosed: « *Le Crime de Tchernobyl* » by Wladimir Tchertkoff, edited by Actes Sud, 2006 and extracts in English of « *Chernobyl: health and environmental consequences of the catastrophe* » by A. Yablokov, V. and A. Nesterenko, New York Academy of Sciences, New York, 2009 (translation and publication of the original Russian text, edited by Naouka, St Petersburg, 2007 is in preparation). The research, bibliographical references, observations, analyses, findings and testimonies in these two books clearly confirm the above-mentioned conclusions of UNSCEAR with regard to low doses.

In the 1930s, whistleblowers warned that chemical substances, and more particularly PCBs (polychlorobiphenyls) might be toxic for human beings. It was only in 1999 that the 3rd Ministerial Conference on Environment and Health, organised by WHO, drew attention to the vulnerability of children to these synthetic compounds. During the conference, WHO pointed to the worrying lack of data relating to the toxicity of chemical substances marketed over the last 50 years. This belated intervention by WHO has allowed the accumulation of a toxic legacy which today we hand down to our children.

The other legacy, radiological in this case, which is in the process of being handed down as a result of the signing of the 1959 agreement, may still be partially redressed provided this agreement is revised and WHO regains its independence. The subordination of the international health authority to the international atomic energy agency, in the critically important area of ionizing radiation, is endangering humankind.

"Nuclear negationism", in its denial of the scientific evidence concerning the pathogenic effects of ionising radiation for living organisms (particularly low dose radiation) and its refusal to recognize the extent of harm to population health, of artificial radiation, needs to be brought to public attention.

We wish to inform you of certain legal implications. In lawsuits filed in relation to the asbestos issue, the notion of converging evidence amounting to proof, coupled with the principle of imputability is recognized – notably in the U.S.A. – as is a systematic relationship between certain pathologies and exposure to radioactive material. Nuclear negationism, may be qualified as a "crime of indifference". The notion of "trans-generational crime", more specifically relating to radiation-induced diseases, is also evoked in judicial circles.

It is also becoming apparent from current jurisprudence that even if decision-makers have not acted with the intention to kill or to inflict suffering on others, the mere fact that they have not intervened while being wholly or partly aware of the consequences of their actions and have wilfully failed to inform the victims, provides sufficient grounds for a charge to be brought. Moreover, the precautionary principle obliges you to make decisions relating to major health risks, notably those linked to low dose radiation, even when formal proof is not available.

"Nuclear negationism" can be condemned on several grounds: wilful exposure of others to danger of death, manslaughter and inflicting serious bodily and mental harm to others, failure to act, and non-assistance to persons in danger.

We are aware of the power of the nuclear lobby and the weight of its economic and political influence backed by the leading world authorities. We believe that WHO has become a cog in a system designed to pre-empt any indictment or responsibility in relation to health consequences linked to an accident of nuclear origin. It is a cog however, which is accessory to an intolerable, organised impunity.

As a result of the position adopted by WHO - the world's directing and coordinating authority on health - national and international health policies to address the consequences of the Chernobyl catastrophe are inappropriate, fail to take account of scientific evidence and to properly inform and assist populations. Deterioration of the genetic inheritance of human beings and all living organisms, must be of concern to you as a medical doctor in your allegiance to the Hippocratic Oath.

In this respect, we draw your attention to the fact that in the major lawsuits concerning industrial or governmental negligence affecting the health of the population (Bhopal, contaminated blood, toxic waste etc), it is not just the organization that has been incriminated but also individuals in positions of responsibility.

Dr Chan, children today are born - and will continue to be born - victims of radiation, especially since Chernobyl. Our action forms part of the judgement that future generations will pass on you as Director-General of a World Health Organisation which, in the area of radiation and health, has failed to meet the fundamental obligations set out in its constitution.

For these reasons, we hereby reiterate our demand that the agreement of 28th May 1959 be amended and that the conditions required for WHO to recover full independence, be examined.

We look forward to a reply to our request of 16 February 2009 to meet with you and await your proposal.

Yours faithfully,

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PSR/ IPPNW

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