

**FUKUSHIMA NUCLEAR POWER
ACCIDENTS AND HUMAN RIGHT REMEDY
FROM THE VIEWPOINT OF
INTERNATIONAL LAW**

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I. INTRODUCTION

My points:

1. International Law and Nuclear Disaster Victims
2. The situation of the damage of Fukushima nuclear accident
3. Human Rights Violation in Fukushima Nuclear Disaster from viewpoint of Some International Human Rights bodies
4. What we should do to make use of those findings of the bodies?

II. INTERNATIONAL LAW AND NUCLEAR DISASTER VICTIMS

The 1994 Convention on Nuclear Safety

- “Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.”(Art. 16 (2))

The 1986 Convention on Early Notification of a Nuclear Accident

- “Information received... may be used without restriction, except when such information is provided in confidence by the notifying State Party.” (Art. 5 (3))

The 1986 Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, Art. 1 (1)

Some treaties civil liabilities for nuclear damages

The 1998 Guiding Principles on Internal Displacement

“Draft articles on the protection of persons in the event of disasters”

III. THE SITUATION OF THE DAMAGE IN FUKUSHIMA NUCLEAR ACCIDENT

Level 7 (major Accident)...INES

About 123,000...nationwide evacuation by The GEJ Earthquake

56,082...evacuated in or out of Fukushima Prefecture

The 1996 ICJ Advisory Opinion:

- “The radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area...Ionizing radiation has the potential to damage the future environment, food and marine ecosystem, and to cause genetic defects and illness in future generations.”(para. 35)

IV. HR VIOLATION IN FUKUSHIMA NUCLEAR DISASTER FROM VIEWPOINT OF SOME INTERNATIONAL HR BODIES

The Grover Report (2013)

- formulation and implementation of its nuclear emergency response system
- health monitoring of the affected population
- policies and information on radiation doses
- decontamination
- transparency and accountability within the regulatory framework
- compensation and relief
- effective community participation in all aspects of the decision-making processes relating to nuclear energy policy and the nuclear regulatory framework

The CESCR's Concluding Observations (2013)

24. Noting the complexity of relief response to the consequences of the Great East Japan Earthquake and the Fukushima nuclear accident, the Committee is concerned that the specific needs of disadvantaged and vulnerable groups, such as older persons, persons with disabilities, and women and children, were not sufficiently met during the evacuation and in the rehabilitation and reconstruction efforts (art. 11, 2(2)).

Noting that the lessons learned from the consequences of the Great East Japan Earthquake and the Fukushima nuclear accident have led to the adoption of new arrangements to better respond to the needs of affected communities, including vulnerable groups, in future relief and reconstruction efforts, the Committee recommends that the State party adopt a human rights-based approach to disaster response, risk mitigation and reconstruction efforts. In particular, the Committee recommends that the State party ensure that disaster management plans do not discriminate or lead to discrimination in the enjoyment of economic, social and cultural rights.

The Committee requests the State party to provide in its next periodic report comprehensive information, including statistical data disaggregated by sex and vulnerable group, on the management of the consequences of the Great East Japan Earthquake and the Fukushima nuclear accident as well as on victims' enjoyment of economic, social and cultural rights during the evacuation and in the rehabilitation and reconstruction works. The Committee also requests the State party to include information on how victims' right to justice has been guaranteed.

- See Concluding observations on the third periodic report of Japan, adopted by the Committee at its fiftieth session (29 April-17 May 2013), E/C.12/JPN/CO/3, p. 6, para. 24.

The CCPR's Concluding Observations (2014)

Fukushima nuclear disaster

24. The Committee is concerned that the high threshold of exposure level set by the State party in Fukushima and the decision to cancel some of the evacuation areas give people no choice but to return to highly contaminated areas (arts. 6, 12 and 19).

The State party should take all the necessary measures to protect the life of the people affected by the nuclear disaster in Fukushima and lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk. The State party should monitor the levels of radiation and disclose that information to the people affected in a timely manner.

- See Concluding observations on the sixth periodic report of Japan, CCPR/C/JPN/CO/6, p. 8, para. 24.

CEDAW's Concluding Observations (2016)

Health

36. The Committee notes the efforts made by the State party to address health concerns related to radiation following the Fukushima Dai-Chi Nuclear Power Plant accident in 2011. The Committee, however, notes with concern the State party's plans to lift the designation as evacuation zones of contaminated areas with radiation exposure levels under 20 millisieverts per year, which may have a disproportionate effect on the health of women and girls.

37. The Committee recommends that the State party reaffirm that the lifting of designation of places as evacuation zones of contaminated areas with radiation exposure is consistent with internationally accepted knowledge on risk factors for women and girls considering that women are more sensitive to radiation than men. It further recommends that the State party intensify the provision of medical and other services to women and girls affected by radiation, in particular pregnant women in the Fukushima Prefecture.

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Disaster risk reduction and management

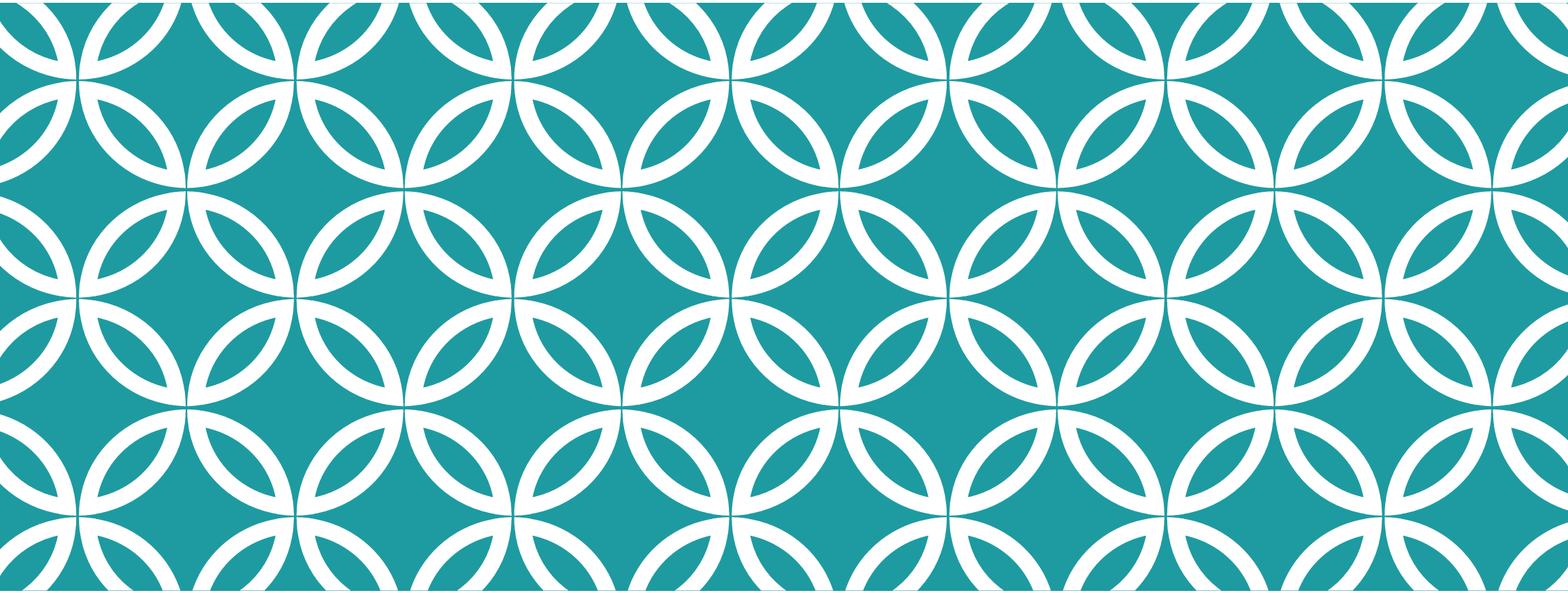
44. The Committee commends the State party for its leadership in disaster risk reduction and management and its contribution to global efforts to adopt the Sendai Framework for Disaster Risk Reduction 2015-2030. The committee also commends the State party for mainstreaming gender perspectives into its policies on disaster risk reduction, and the adoption of a national Basic Disaster Management Plan. However, the Committee is concerned at the low participation of women in leadership roles in the area of disaster risk reduction and management at the national and local level following the Great East Japan earthquake in 2011.

45. The Committee recommends that the State party accelerate the participation of women in decision-making and recovery processes related to disasters at all levels, in particular at the local level. It should also continue its efforts aimed at integrating a gender perspective into all sustainable development policies, as well as into disaster risk reduction and post-disaster management.

- See Concluding observations on the combined seventh and eighth periodic reports of Japan, CEDAW/C/JPN/CO/7-8, p. 11, paras. 36-37 and pp. 12-13, paras. 44-45.

WHAT TO DO TO MAKE USE OF THOSE FINDINGS

1. Domestic litigations
2. Legislation or other administrative measures
3. International Implementation Procedures as “constructive dialogue”



THANK YOU FOR KIND LISTENING!

