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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by International Association of Democratic Lawyers (IADL), a non-governmental organization in special consultative status, Greenpeace International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

* Issued as received, in the language(s) of submission only.
The Fukushima nuclear disaster and highly contaminated water crisis and the Japanese government's non compliance with its Human Rights obligations

The International Association of Democratic Lawyers (IADL) together with Greenpeace International and Greenpeace Japan call the attention of the Council to the continuing failure by the Japanese Government to comply with its human rights obligations in relation to the on going impact of the Fukushima Daiichi nuclear disaster. As a consequence of the triple reactor meltdown of the Fukushima Daiichi nuclear plant, more than 1 million tons of highly radioactive contaminated water has accumulated in storage tanks at the site. The Japanese government preferred option is to discharge this water into the Pacific Ocean.

Under the Universal Declaration of Human Rights, Article 25 (para 1), everyone has the right to the highest attainable standard of physical and mental health, and thus to be protected from toxic chemicals (including man made radioactivity), pollution and contamination. Japan has an obligation to protect the right to health, and must prevent and reduce the population’s exposure to hazardous substances and wastes that have a direct or indirect impact on human health. The Convention of the Rights of the Child, Article 3 (para 1), requires that the best interests of the child must be a “primary consideration” in all actions; with best interest of the child including the requirement that in attaining his or her right to the highest standard of health it requires the prevention of exposure to toxic chemicals and pollution. A decision to deliberately release highly contaminated water from Fukushima Daiichi nuclear plant nuclear disaster will increase further the exposure to higher levels of radiation. Children are particularly vulnerable to radiation exposure.

A 2019 report from Greenpeace revealed that the failure to prevent the accumulation, effective processing and reduction in the volume of highly contaminated water at Fukushima Daiichi was a consequence of decisions taken by the Japanese government and the Tokyo Electric Power Company (TEPCO).1 Over a period of years, poorly judged technical choices made by the Japanese government and TEPCO were motivated by short term financial considerations that have taken priority over protection of the environment, public health and the human rights of Japanese citizens, as well as its closest neighbors, specifically the Republic of Korea.

The Japanese government continues to fail to implement the recommendations of UN Special Rapporteur Anand Grover issued in 2013, as well as subsequent multiple UN Special Rapporteur’s recommendations,2 including in relation to the rights of women, children and workers and Internally Displaced Persons (IDP); as well as UN human rights bodies recommendations, including the 2018 Universal Periodic Review and the 2019 Committee on the Rights of the Child in relation to the Fukushima Daiichi disaster.3 Tens of thousands of evacuees who are clearly Internally Displaced Persons (IDP) as a consequence of radioactive contamination of their homeland but are not treated as such by the Japanese government, as a consequence, continue to suffer additionally from the impacts of the March 2011 nuclear disaster. We are deeply concerned that the Japanese government, despite multiple violations of the rights of its citizens, has the intention to further contaminate the environment of the people of Fukushima, wider Japan, and through transboundary pollution, the coastal waters of the Republic of Korea and wider Pacific region. As the UN Special Rapporteur on toxic wastes reported to the UN General Assembly in 20174 the enjoyment of the right to information, as well as the right to participation in environmental decision-making is a state obligation regarding toxic materials, including radioactive waste.

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3 CRC/C/JPN/CO/4-5
4 A/HRC/36/41
Information must be available, accessible, functional and consistent with the principle of non-discrimination in order for human rights to be respected, protected, enjoyed and fulfilled.

To protect human rights affected by the radioactive contaminated water at Fukushima Daiichi, the Japanese government is duty-bound to generate, collect, assess and update information; effectively communicate such information, particularly to those disproportionately at risk of adverse impacts, which include the communities of Fukushima, wider Japan, the Republic of Korea and wider Pacific region.

The Japanese government is obligated to engage in international cooperation to ensure that foreign Governments have the information necessary to protect the rights of people in their territory. The Japanese government has to date not provided sufficient information to states threatened with transboundary radioactive pollution that would result from Pacific Ocean discharge of highly contaminated water from Fukushima Daiichi, including the Republic of Korea and those in the wider Pacific region.

The Japanese government has failed to disclose full and comprehensive information on the scale, complexity and related decision making on the highly contaminated water crisis at Fukushima Daiichi, as well as the risks from radioactive discharge, or the fact that viable alternatives to release to the environment, including Pacific Ocean discharge, exist. The Japanese government has not met its domestic and international human rights obligations to facilitate the right to meaningful public participation in environmental decision-making regarding the management of highly contaminated water at Fukushima Daiichi. Every citizen has the right and should have the opportunity to take part in the conduct of public affairs, including in relation to toxics, directly or through freely chosen representatives. The critical importance of public participation in the management of toxics is also recognized in international environmental agreements.

The lack of information and public participation in consultation and decision making in particular extends to the communities of Fukushima, the wider population of Japan, as well those at risk from transboundary radioactive pollution, specifically those in the Republic of Korea and the wider Pacific region.

In contrast to the immediate period of the Fukushima Daiichi disaster in 2011, when radioactive releases to the Pacific Ocean were largely unavoidable, today, more than 8 years after the start of the accident, a deliberate decision by the Japanese government to discharge over 1 million tons of highly radioactive contaminated water to the Pacific Ocean cannot be justified in terms of environmental protection and human rights. It would be a further abrogation of Japan’s international obligations to protect the human rights of people, in Japan, the Republic of Korea and wider Pacific Ocean from exposure to radioactive pollution. The fact is that long term storage and the application of the best available processing technology for managing the contaminated water exists as a viable alternative to environmental release, including ocean discharge. Consequently, it requires that the Japanese government commits to these alternatives which would prioritize the human rights of its citizens as well as those populations at risk of transboundary radioactive pollution, including the people of the Republic of Korea and the wider Asia-Pacific region. The scale of the unique and complex challenges from Fukushima Daiichi, including the even more hazardous molten nuclear fuel, of which there is an estimated 600-1100 tons, means that the threats to the environment and the health of communities in Japan and wider Asia-Pacific region, require a whole scale revision of Japanese government decision making that prioritizes its domestic and international human rights obligations.

Continued interventions by member states and UN bodies play an essential and important role in support of Japanese people, in particular for tens of thousands of internally displaced evacuees in Japan who continue to challenge the Japanese government, including through the legal system. We welcome and encourage member states and UN bodies to continue to raise the multiple human rights violations perpetrated by the Japanese government on the citizens of Japan and wider Asia Pacific region impacted by the Fukushima Daiichi nuclear disaster.

Greenpeace Japan NGO(s) without consultative status, also share the views expressed in this statement.

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