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

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

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

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Radioactive Waste Discharges From The Fukushima Daiichi Nuclear Power Plant And The Threat To Human Rights

The International Association of Democratic Lawyers (IADL) and Greenpeace East Asia call the attention of the Human Rights Council to the continuing failure by the Japanese government to uphold its international obligations when dealing with the tragic consequences of the meltdown of three nuclear reactors at Fukushima Daiichi in 2011.

Over the past decade, UN treaty bodies and special procedures have repeatedly raised serious concerns regarding the aftermath of dealing with the Fukushima Daiichi accident on the enjoyment of human rights including the right to life, the right to the highest attainable standard of health, the right to meaningful participation, the right to adequate food and the right to information.¹

So far the Japanese government has systematically ignored the multiple recommendations received from UN Special Rapporteurs,² as well as the recommendations raised by several states during its Universal Periodic Review in 2017,³ and by the Committee on the Rights of the Child in 2019.⁴ Japan has also failed to extend an official invitation to the UN Special Rapporteur on toxics, despite several requests in that sense.

Eleven years after the accident, tens of thousands of Japanese citizens remain internally displaced from their homes and struggle to rebuild their lives, while radiation levels remain high in many districts of Fukushima prefecture. The potential exposure of children and pregnant women continues to remain an issue of utmost concern, as both groups are particularly vulnerable to the impacts of radiation exposure. Furthermore, the Japanese government continues to ignore radiation protection principles by allowing a maximum limit of 20mSv/year radiation exposure for citizens, including children. This is the same level for radiation workers recommended by the International Commission on Radiological Protection.⁵ The global recommended maximum public exposure set by the ICRP is 1mSv/y.

Of particular concern is the on-going crisis at the Fukushima Daiichi nuclear plant. There are no credible prospects for meeting the Japanese government's unrealistic schedule for decommissioning the nuclear plant which will remain an enormous radiological threat to the environment and public health.⁶ The primary source of radioactivity remains the melted nuclear fuel or fuel debris located at the three Fukushima Daiichi reactors. Every day over 140 cubic meters of fresh groundwater entering the site continues to become highly contaminated as a result.

In April 2021, the Japanese government decided to release over 1.23 million tons of radioactive waste water stored in tanks at the Fukushima Daiichi Nuclear Power Station into the Pacific Ocean. The Tokyo Electric Power Company (TEPCO) and Japanese government plan is to build a sub seabed pipeline and release diluted processed radioactive water 1 km off the coast of Fukushima prefecture. Discharges are scheduled to begin in 2023, and to take at least 30 years.

The Japanese government claims that the Advance Liquid Processing System (ALPS) treated water stored in the tanks is not contaminated water. However, TEPCO's own data confirms that ALPS treated water contains multiple radionuclides such as strontium-90, iodine-129, carbon-14 and plutonium isotopes, as well as high concentrations of tritium and carbon-14. In 2018 TEPCO confirmed that ALPS water processing technology had failed to reduce radioactive concentrations in the majority of the contaminated water stored in tanks. As of 25 November 2021, according to TEPCO, 1,284,284 cubic meters of contaminated ALPS water is in storage tanks, of which 67% (832,900m³) needs to undergo secondary processing. So far only 0.25 percent of the tank water has undergone secondary processing and it will take at least several years before all the water can be processed, though uncertainties remain. It should also be noted that the ALPS has not been designed to remove radioactive tritium or carbon-14 which would be discharged in their entirety into the Pacific.⁷

As underlined by UN Special Rapporteurs, "Japan has noted that the levels of tritium are very low and do not pose a threat to human health. However, scientists warn that the tritium in the water organically binds to other molecules, moving up the food chain affecting plants and

fish and humans. They say the radioactive hazards of tritium have been underestimated and could pose risks to humans and the environment for over 100 years”.⁸

The deliberate dumping of nuclear waste into the Pacific Ocean is illegal, irresponsible, and totally unjustified. There is sufficient storage space on both the Fukushima Daiichi site and the adjacent localities of Okuma and Futaba to provide long term storage area for accumulating contaminated water. This was acknowledged by TEPCO in 2018 and by the Japanese government’s own Task Force in their 2020 report. TEPCO could acquire more land and build more tanks, and the longer the tritium remains in tanks, the more it decays, with a half-life of 12 years.⁹

Discharges into the Pacific are strongly opposed by the majority of citizens in Fukushima, as well as local and national fisheries associations - which were already severely hit by the 2011 nuclear disaster. As recently highlighted in October 2021 by the Human Rights Council in its resolution 48/13, it is a human right to have a clean, healthy and sustainable environment.¹⁰

The Japanese government has failed to conduct a comprehensive public consultation process and has so far chosen to disregard the majority of opinion. The Japanese government has also failed to meet its domestic and international human rights obligations to facilitate the right to meaningful public participation in environmental decision-making and to provide adequate information 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.

Furthermore, Japan has not conducted a comprehensive Environmental Impact Assessment on any discharge into the Pacific Ocean, as required by its international obligations, given that there is a risk of significant transboundary harm to neighboring countries.

In 2011 the Fukushima Daiichi triple reactor meltdown led to the uncontrolled release of radioactivity into the Pacific Ocean, which also contaminated adjacent marine ecosystems in the Asia-Pacific region. The Japanese government is ignoring its legal obligations to protect the marine environment as required under the United Nations Convention for the Law of the Sea.¹¹ For these reasons, and addition to strong domestic opposition, plans for radioactive discharges have rightly been opposed by Japan’s neighboring countries.

Several UN Special Rapporteurs have urged the Japanese government to refrain from releasing contaminated water into to the maritime environment, stressing that an eventual discharge “could only be interpreted as a failure to uphold the human rights of vulnerable categories impacted by the Fukushima Daiichi nuclear accident, including children, whose physical and mental health as well as the livelihood will come under additional strain”¹² The experts also warned that the discharge could impact millions of lives and livelihoods in the Pacific region, threatening human rights of concerned population in and beyond the borders of Japan.¹³

As recommended by UN experts: “following best available scientific evidence, ensuring transparency of decisions and seeking public opinions can be the best guides for addressing the heavy burden of the disaster”.¹⁴

In the light of the above, and in relation to the specific time-sensitive issue of contaminated water, we call on the Human Rights Council, the OHCHR, UN member states and all relevant UN bodies and mechanisms to urge the Japanese government to immediate abandon plans for radioactive discharges into the Pacific Ocean and to commit to the viable alternatives of long-term storage and by so doing prioritize human rights and the protection of the environment.

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

1. See joint communications by UN Special Procedures Mandate Holders to the government of Japan: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23025>, 20 March 2017 (UA JPN 2/2017); <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23923>, 28 June 2018 (AL JPN 5/2018); <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24064>, 5 September 2018 (AL JPN 6/2018); <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25195>, 20 April 2020 (AL JPN 1/2020); and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25864> 13 January 2021 (AL JPN 1/2021).
2. See, inter alia, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mission to Japan (A/HRC/23/41/Add.3) https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf;
3. A/HRC/37/15
4. OHCHR, “Committee on the Rights of the Child examines the report of Japan”, 17 January 2019, see <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24083&LangID=E>
5. Health Physics Society, “Policy, Guidelines, and Regulations — Regulations and Guidelines”, 2010, <https://hps.org/publicinformation/ate/q8900.html>
6. Greenpeace East Asia, “Decommissioning of the Fukushima Daiichi Nuclear Power Station”, Sato Satoshi, March 2021, see https://www.greenpeace.org/static/planet4-japan-stateless/2021/03/20cf92ab-decomrep_final2.pdf
7. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>
8. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>
9. Greenpeace Germany, “Stemming the tide 2020: The reality of the Fukushima radioactive water crisis”, October 2020, see https://www.greenpeace.org/static/planet4-japan-stateless/2020/10/5e303093-greenpeace_stemmingthetide2020_fukushima_radioactive_water_crisis_en_final.pdf; and, Greenpeace East Asia – Comment on TEPCO Radiological Impact Assessment Report regarding the discharge of ALPS treated water into the sea, December 18, 2021.
10. OHCHR, “Bachelet hails landmark recognition that having a healthy environment is a human right”, 8 October 2021, see <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27635&LangID=E>
11. Korea Times, “Japan's plan for radioactive water defies international law”, Duncan E.J. Currie and Shaun Burnie, July 2021, see https://www.koreatimes.co.kr/www/nation/2020/07/371_285553.html
12. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25864>
13. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>
14. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26882&LangID=E>