



General Assembly

Distr.: General
14 December 2023

English only

Human Rights Council

Fifty-third session

19 June–14 July 2023

Agenda item 6

Universal periodic review

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.

[30 May 2023]

* Issued as received, in the language of submission only.



Japan Universal Periodic Review: 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.

We commend the Fukushima related recommendations made to Japan by member states during the 4th UPR cycle. The implementation of these recommendations is critical for improving the human rights situation in the country.

However, we are particularly concerned that the Japanese government is proceeding with plans to begin decades long discharges of radioactive waste water from the Fukushima Daiichi nuclear plant into the Pacific Ocean, despite strong opposition from people and governments in the Asia Pacific (1), scientific institutions (2) and civil society.

Since 2011, 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 (3). Japanese government has systematically ignored the multiple recommendations received from UN Special Rapporteurs (4), as well as the important recommendations raised by many states during its Universal Periodic Review in 2017 (5), and 2023 (6).

Twelve years after the start of the nuclear disaster, 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. 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 (7).

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 (8). Recent evidence of major structural reactor damage putting it at potential increased risk of underscores the on-going nuclear crisis at the site (9). The primary source of radioactivity remains the hundreds of tons melted nuclear fuel or fuel debris located at three Fukushima Daiichi reactors. Every day 90-100 cubic meters of fresh groundwater entering the site continues to become highly contaminated as a result.

In April 2021, the Japanese government decided to discharge over 1.23 million tons of radioactive waste water stored in tanks at the Fukushima Daiichi Nuclear Power Station into the Pacific Ocean. By November 2021, based on TEPCO data, there were 1.28 million cubic meters of contaminated water in storage tanks, of which 832,900 cubic meters needs further processing in the Advanced Liquid Processing System or ALPS. As of 20 April 2023, the total amount of radioactive waste water stored in tanks is 1,330,944m³. A 8% increase in tank water in 2 years. Worse still, today, approximately 70% or 931,600 cubic meters of this water needs to be processed again (and probably many times again) by the ALPS to lower concentrations to below regulatory limit permissible for discharge. This is an increase of nearly 12% in less than 2 years. There is no evidence that TEPCO will be able to process such a vast volume of water successfully. We are unfortunately in the early decades of the Fukushima nuclear disaster, and like the Chernobyl disaster before it, there is no end to the radioactive environmental hazards.

TEPCO's own data confirms that ALPS treated water contains multiple radionuclides such as strontium-90, iodine-129, carbon-14 and plutonium isotopes. ALPS has not been designed to remove radioactive tritium or carbon-14 which would be discharged in their entirety into the Pacific (10). All of these radioactive substances, many of them very long lived, have the potential to cause biological harm to the marine environment (11).

As recently stated by one hundred of the world's leading oceanographic institutions, "The proposed release of this contaminated water is a transboundary and transgenerational issue of concern for the health of marine ecosystems and those whose lives and livelihoods depend on them" (12). A warning echoed by UN human rights special rapporteurs (13), and that "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" (14).

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 (15).

Amongst the many communities to be potentially impacted by the marine discharges over current and future generations, of particular concern are to the population of Fukushima prefecture and neighboring prefectures, most especially fishing communities, the peoples of the wider Asia Pacific region, and in particular indigenous peoples of the Pacific islands. The terrible radioactive legacy of 20th century nuclear weapons testing on the people and environment of the Pacific should be reason alone why Japan should abandon its 21st century plans to pollute the same ocean with its radioactive waste (16).

Japan has failed to conduct a comprehensive Environmental Impact Assessment on the planned discharges into the Pacific Ocean, as required by its international legal obligations, given that there is a risk of significant transboundary harm to neighboring countries. Consequently, 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 (17).

Japan by proceeding with its discharge plans is also choosing to ignore the ground breaking Human Rights Council resolution 48/13, which in 2021 determined that it is a human right to have a clean, healthy and sustainable environment. Japan's radioactive discharge plans are an affront to this historic development in the evolution of environmental justice, which only a year ago was also passed by 161 nations at the UN General Assembly.

In the light of the above, and in relation to the specific time-sensitive issue of contaminated water, we urge the Japanese government to respond to the concerns raised by the international community by accepting and promptly acting on the Fukushima related recommendations made during the 3rd and 4th UPR cycle

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

(1) Pacific Island Forum, Japan must work with the Pacific to find a solution to the Fukushima water release issue – otherwise we face disaster, February 2023, see <https://www.forumsec.org/2023/02/06/op-ed-japan-must-work-with-the-pacific-to-find-a-solution-to-the-fukushima-water-release-issue-otherwise-we-face-disaster/>

(2) National Association of Marine Laboratories, NAML, December 2022, <https://www.naml.org/policy/documents/2022-12-12%20Position%20Paper,%20Release%20of%20Radioactively%20Contaminated%20Water%20into%20the%20Ocean.pdf>

(3) 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).
- (4) 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, Anand Grover, Mission to Japan (A/HRC/23/41/Add.3)
- (5) Report of the Working Group on the Universal Periodic Review – Japan, adopted by the Human Rights Council at its 37th session (A/HRC/37/15)
- (6) Report of the Working Group on the Universal Periodic Review - Japan (A/HRC/53/15)
- (7) Health Physics Society, “Policy, Guidelines, and Regulations — Regulations and Guidelines”, 2010, <https://hps.org/publicinformation/ate/q8900.html>
- (8) 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
- (9) Asahi Shimbun, Photo shows pedestal in nuke reactor suffered more damage, 18 April 2023, see <https://www.asahi.com/ajw/articles/14888287>
- (10) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>
- (11) Professor T. Mousseau, Biological Consequences of Exposure to Radioactive Hydrogen (Tritium): A Comprehensive Survey of the Literature, April 2023, see https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4416674
- (12) National Association of Marine Laboratories, NAML, December 2022, <https://www.naml.org/policy/documents/2022-12-12%20Position%20Paper,%20Release%20of%20Radioactively%20Contaminated%20Water%20into%20the%20Ocean.pdf>
- (13) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>
- (14) See, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>
- (15) 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.
- (16) Pacific Elders Voice, March 2022, see <https://pasifika.news/2022/03/no-fukushima-nuclear-discharge-pacific-elders-voice-statement/>
- (17) 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
-