



Abstracts of the presentations (version august 30, 2017)

[Helen Caldicott](#), MD, Nuclear Policy Research Institut in
Washington DC/ USA *"The Impending Threat of Nuclear War"*
**Never before in the history of the nuclear age have we been
closer to nuclear holocaust.**

The US has a president who is impulsive, childlike and almost totally uneducated in global politics controls the nuclear button. Meanwhile, after promising Gorbachev not to enlarge NATO after the end of the Cold War, the US violated that agreement and provocatively organized expansion of NATO right up to the Russian border, arming these small Eastern European countries with countless weapons and antiballistic systems.

Recently the US state department orchestrated a coup in the Ukraine removing president Yanukovych and replacing him with the hardliner Poroshenko who is militarily threatening the Russian speaking population in Eastern Ukraine which Russia is trying to protect. Simultaneously a serious military confrontation occurs in Syria as Russian and American planes conduct provocative sorties threatening each other and Syrian civilians. And both nuclear-armed nations are practicing war games over the NATO nations and in the Baltic Sea.

Meanwhile in the US, main stream media is persistently vilifying Russia for having hacked the recent US presidential election.

Russia has placed its nuclear weapons on a high state of alert and it is highly likely that America has too.



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A single human error, a hack attack, a computer error at this time of heightened international tension could well trigger a nuclear holocaust inducing a nuclear winter and the end of most life on earth.

Of the 16,400 H bombs in the global nuclear arsenal, Russia and America own 94%. These are the REAL terrorist nations holding us all as nuclear hostages.

Prof. Dr. iur. Emilie Gaillard, Univ. Caen / Normandie "The Nuclear Age & the Entry in the Transgenerational Legal Era"

The entry into the Nuclear Age marks the unprecedented acquisition of power of Humankind upon the Earth and the very conditions of all forms of lives and of Future Generations. Geologists name this new era the Anthropocene. This is a profound metamorphosis of the action of Man on Earth and finally, it deeply questions - from a theoretical and a pragmatic point of view - the foundations and the purposes of Law. The very specific challenge of facing Nuclear Risks requires a Law protecting Future Generations, *i.e* a Law for the Future.

Nuclear technologies introduce a deep gap between our abilities to put future generations into danger and our abilities to think about their legal protections nor their legitimate statute into contemporary democracies. In a way, this new era is asking for the entry into a transgenerational legal era: we need to renew the legal humanism in order to protect the Future. This could be nourished notably by new branches of philosophies which are renewing the ethical foundations for responsibility towards the Future.

Undoubtedly, we have to renew the legal framework of basic and foundational principles such as human rights, crimes, responsibility. This new juridical utopia takes into account the finitude of the Human existence, the essential transmission of conditions and possibilities



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for life of future generations (understood as being in a systemic relationship with the environment and all living beings). New concepts can also be discussed such as: Ecocide, Rights of Nature... We are at the crossroads of a convergence wave of new legal concepts which are nourishing and supporting the entry into the transgenerational legal era.

[Dr. Scilla Elworthy](#), **Founder Oxford Research Institute** “**How young generations can impact nuclear policies**”

Faced with a future full of threats and violence, young people are responding, albeit with a host of tough questions: “What can I do – what can we do - to halt or reverse this terrible future you have left us with?”

In this session let us examine how higher-level thinking can facilitate the adolescent’s worldview, and how that can be approached.

First it is essential to examine how to deal with fear and uncertainty – the benefits of walking *towards* what frightens you – ‘*the gem under the dragon’s foot*’. Then I shall offer a method for adolescents to find out what each can best contribute, to develop your plan of study and life experience, including an exercise where participants are asked to turn to their neighbour and ask each other some simple questions that can be used to help adolescents identify their passion, their skills and their contribution.

When the answers to these questions are combined, an enormous force for good is unleashed. It becomes clear just how much inventiveness and skill Millennials have at their disposal.

If there is time in discussion we shall also examine the values that young people have a right to demand from political, business and



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community leaders, including: transparency, compassion, listening, integrity and a sense of service.

This will enable us to conclude with reflections on how we can encourage those who light candles in the darkness.

[N. Kutepova](#) "Mayak Nuclear Facility: 60 Years against Human Rights"

I will speak on human rights and the nuclear age in the contemporary world. I grew up in the little known secret nuclear city of Ozersk in the heart of Russia, a place, where the Soviet Union created plutonium for the first Soviet nuclear bombs. My grandmother was a chemical engineer at the nuclear plant Mayak, she made plutonium with her own hands and died from lymphoma 7 years before my birth. My father was a liquidator of the first nuclear accident in 1957, which happened almost 60 years ago. Later he was an engineer at the nuclear reprocessing plant and died from cancer when I was 13. Only 22 years after his death could I find the truth and receive an official document that he died from radiation.

I knew nothing about nuclear energy and nuclear materials even though I was born in a town where they were produced. As a Soviet girl, I only had seen how many people around my family had died or become disabled. We thought this was normal! It was only when I was 28 that I came to know where I lived and what exactly was produced at the nuclear plant Mayak. Another I discovered was the tragedy of the people, who were living in 39 villages along the Techa river into which the Mayak plant dumped nuclear waste. And then the tragedy of people of the 24 villages affected by the nuclear accident of 1957. Almost all of these villages were destroyed from 1954 until 1962, and I think it was most terrible violation of human rights after Hiroshima and Nagasaki. People lost everything – health, houses, also



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sometimes the possibility to have kids.

When I learned all these facts, it forced me to wake up from nuclear propaganda which always told us that people around Mayak were ill because of bad heredity and alcoholism. I decided to make something for the people of my region and created the NGO The Planet of Hopes. It is my mission to defend people who suffered or are still suffering from nuclear contamination of Mayak in my region, living near the contaminated Techa river in the first, second and even third generations. In 2015 I was dismissed from my job and accused of industrial espionage and forced to escape from Russia with my kids. This happened because I know everything about the inside of the nuclear industry. People shared with me their terrible stories. I tried to be a whistleblower. I would like for people around the world to know about the tragedy of Mayak. The price of using of nuclear energy is too high for humanity. Many have paid this with their lives and being sick and I am now a political refugee living in Paris, France.

D. Doulatram “Report from former test region Marshall Islands”

The emerging and expanding fields of environmental law and international law provide greater transparency in revealing human right concerns in the Asia-Pacific region. This paper explores these human right concerns of the affected populations in the Marshall Islands which functioned as a nuclear testing ground between 1946 to 1958 when it served as a strategic Trust Territory administered by the United States. In 2014, the Marshall Islands sued the United States and the Asian nations of India, Pakistan, and North Korea for violating the 1968 nuclear non-proliferation treaty (NPT). The aggressive diplomatic pressure imposed by the Marshall Islands to major nuclear powers is not without reason. This paper provides and explores an underutilized historical perspective explaining the legal and humanitarian consequences of the nuclear testing period in the Marshall Islands and



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their limited adaptive capacity in addressing humanitarian obligations to its citizens despite not creating the situation. It explains the reasoning behind the aggressive political nature in Marshallese politics stemming from unhealed wounds that eventually led to Marshallese climate change ambassador Tony deBrum's (February 26, 1945 – August 22, 2017) sole decision to sue the United States and the Asian nations of India, Pakistan, and North Korea.

S. Elworthy "Our Responsibility to Safeguard the Rights of Future Generations"

At this time of turbulence and rapid change, we recognise the challenges and anxieties faced by young people today, as well as our responsibility to safeguard their rights, and their children's children's rights.

Throughout history, ancient indigenous peoples around the world have forbidden any decision that might threaten future generations. By contrast 'modern' peoples are busy doing the exact opposite – menacing our own grandchildren by piling up air-miles, filling the oceans with plastic bottles, becoming incapable of growing our own food, even ignoring the suicides of 350,000 Indian farmers bankrupted by Monsanto's non-reproducing seeds.

Now a group of elders who constitute the World Future Council^[1] – many of them former presidents, prime ministers, judges and policy-makers – are becoming active on the issue of nuclear weapons. They know that the combined explosive yield of more than 15,000 nuclear weapons around the world is enough to destroy life on Earth as we know it. Many of these weapons are still ready to be "launched on warning" as soon as enemy missiles are detected, under the old 'Mutual Assured Destruction' or M.A.D. policy that most people thought had died with the Cold War.



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In fact, the Global Security Institute calculated that if less than one per cent of the 15,000 nuclear weapons in the world were to explode, tons of debris would enter the stratosphere, lower the earth's temperature, destroy the stability of the ozone layer and end agriculture as we know it. In sum, a nuclear exchange of the arsenals of only India and Pakistan would end civilisation everywhere.

The World Future Council are turning to the wisdom of ancient peoples to engage the energy of the young people of today and to protect the children of tomorrow. They are establishing *Guardians for Future Generations* at global, regional and national levels, following the lead of countries like Hungary, Israel and Wales. These Guardians will act as catalysts – not just for ‘sustainable development’ but going much further. They will support the *re-generation* of the Earth and its oceans – for citizen action to clean their local freshwater riverbeds, for the solar-powered ships that can suck up 22 million kilos of plastic a year to clean up the Great Pacific garbage patch, twice the size of France, and for the re-forestation of entire mountains – as Councillor Thais Corral is already doing in Brazil.

[1] <https://www.worldfuturecouncil.org/gpact/>

C. Knüsli "Ionizing Radiation: Medical Risks – New Aspects"

Since its detection ionising radiation [IR] has been recognised as a major human health risk inducing a broad variety of biological cellular changes. Characteristically, high IR doses are associated with deterministic whereas lower IR doses are related to stochastic effects respectively. Biological research establishing reliable biomarkers in low dose IR is still limited in contrast to higher dose and dose-rate IR. Radioprotection concepts have been developed and respective



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measures were widely implemented in the medical fields and in occupational exposure in the nuclear industry. According to the current recommendations of the International Commission on Radiological Protection (ICRP publication 103; 2007) the risk for lethal cancer disease in adults amounts to 5.5%/Sievert. Carcinogenicity is the hallmark of IR, however lethal IR impact of noncancer – e.g. cardiovascular – diseases has been shown to be in the same order as death to radioinduced malignancy. Modern epidemiological studies on nuclear workers, on populations exposed to fallout from nuclear power plant accidents, on natural background irradiation as well as radiodiagnostic studies confirm the dose response relationship of low dose IR and its detrimental health impacts. These studies corroborate the Linear No Threshold [LNT] concept and underline the usefulness of collective dose calculations. The latter allow extrapolations of health risks in large populations exposed to low doses of ionising radiation. Current scientifically based understanding calls for acceptance of risk estimations at doses as low as 1 mSv and below and therefore asks for a revision of the ICRP-recommendations which are outdated one decade after their effective date.

[A. Rosen](#) "Hibakusha Worldwide – Similarities among Victims of Nuclear Weapons, Power and Uranium Mining"

In Japanese, the people who lived through the nuclear bombings of Hiroshima and Nagasaki are called "Hibakusha". Instead of victimizing them, this term denotes the people as survivors. Many Hibakusha have dedicated their lives to the struggle for a better world, a world free of the nuclear threat, and have begun telling their stories to younger generations.

During the Cold War, the term "Hibakusha" was soon expanded and globalized in order to include those who have suffered from nuclear



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weapons testing, like the Downwinders of Nevada, Semipalatinsk, the “Pacific proving grounds” or other nuclear test sites around the world. Hibakusha from Japan have been active in reaching out to Hibakusha from the Marshall Islands, Kazakhstan, Russia, the U.S. and French Polynesia, inviting them to their conferences and including them in their call “No more Hibakusha!”

As the health effects of the nuclear industry were better understood, the term Hibakusha has been expanded even further to the indigenous people whose homes were turned into nuclear wastelands by uranium mining, the people affected by depleted uranium weapons and those affected by radioactive fallout from civil and military nuclear accidents. All of these millions of people would have had better lives, if the uranium had been left in the ground.

As physicians, we see it as our responsibility to educate the public and politicians about the intimate connections between the civil and the military nuclear industry and about the health effects of ionizing radiation.

[M. Walter](#), [A. Nidecker](#) "**Genetic effects of ionizing radiation**"

Many morphological modifications in nature or health effects in humans, as described in epidemiological and genetic studies, suggest ionizing radiation even in the low range as likely cause for detected mutations of DNA sequences or for diseases. Studies of populations around the nuclear reprocessing plant in Sellafield, UK, revealed that the local incidence of childhood leukemia and Non Hodgkin lymphoma and stillbirth rate were significantly elevated. The cause seems to be the irradiation of the children’s fathers, who were workers at the plant. The radiation effects are not direct but rather transgenerational. Research in animals has also revealed transgenerational effects in animal studies of the blue grass butterfly or in barn swallows and



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lastly, reported malformations in plants also indicate a mutagenic damage of the genome. These recent sound epidemiological and genetic studies have serious implications: the fact of proven genetic damage by ionizing radiation must be considered as violation of the human right for health. Considering the health of future generations, these observations, as a consequence, demand a revision of current radiobiological teaching and subsequently adaptations of current regulations and laws in radioprotection.

D. Rietiker "Dealing with Human Rights in the Nuclear Age: Focusing on Vulnerable Groups"

The "Treaty prohibiting nuclear weapons", adopted in New York on 7 July 2017, includes a clause on victim assistance and environmental remediation (Article 6), imposing certain obligations on States Parties with a view to assisting victims of use of nuclear weapons and nuclear testing "in accordance with human rights law". By this reference to human rights law, this clause clearly builds a bridge between this branch of law and nuclear arms control law. The present contribution aims at highlighting the relevance of human rights to nuclear weapons.

The proposed study will assess the impact on human rights of the following activities: use of nuclear weapons, testing of these weapons, uranium mining and exploitation of nuclear energy for peaceful purposes. The study thereby suggests a broad approach to human rights, taking into account civil and political, as well as economic, social and cultural rights.

Regarding use of nuclear weapons, the most relevant human rights of the people directly affected by a nuclear weapons attack are the right to life, the prohibition of inhuman and degrading treatment, the right to private and family life, including the right to home, as well as the



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right to property, all of which belong to the category of civil and political rights.

Regarding nuclear weapons testing, uranium mining and nuclear power plant exploitation, the assessment will focus on economic, social and cultural rights, such as the right to health or to a healthy environment, as well as the right to an adequate standard of living, including the right to food and clean water.

It is well established that radiation released by nuclear testing, uranium mining or in accidents occurring in a nuclear power plant cause particular harm to women and children, and to those groups that depend on an intact environment and their traditionally owned lands, in particular indigenous peoples. Therefore, the particular vulnerability and special need for protection of those groups will be a premise throughout the proposed study.

G. Kreutzer “**The Proliferation and Use of Nuclear Weapons from an International and Transnational Criminal Law Perspective**”.

The invention of nuclear weapons coincides with the emergence of international criminal law towards the end of World War II; however, while scholars and practitioners, for a long time, attempted to address the nuclear weapons’ devastating effects from the angle of international humanitarian law, little thought was given to the applicability of international criminal law, prior to the adoption of the 1998 Rome Statute establishing the International Criminal Court; in light of international criminal law’s reinvigorated status following the cold-war period and against the findings by the International Court of Justice in its 1996 Advisory Opinion on the legality of the Threat or Use of Nuclear Weapons, numerous questions persist as to the individual criminal responsibility for the use of such weapons in the context of genocide, war crimes, crimes against humanity and, more



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recently, the crime of aggression. Moreover, notwithstanding the latent threat of nuclear attacks as part of a state policy, criminal use of nuclear material or weapons other than through state-sponsored conduct, represent a more probable, though less predictable risk; therefore states are well-advised to adopt a robust and sustainable legal framework for the prosecution of transnational nuclear offences; looking through the lens of international and transnational criminal law, this study outlines the applicable legal framework for the prevention and suppression of criminal conduct related to the proliferation and use of nuclear weapons by states and non-state actors, highlighting shortcomings and proposing ways to overcome them.

E. Gaillard "The Nuclear Age & the Entry in the Transgenerational Legal Era"

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J.M. Collin "Past and Current Consequences of Nuclear Tests - Highlight of the French Nuclear Tests and Consequences of the Nuclear Ban Treaty"

After years of silence and hidden information, the reality on the health effects on the veterans of French nuclear tests was finally unveiled. A law was introduced (Morin Law) to help all these people (100 000 soldiers and civilians) to receive an economic support. The law is far from being perfect, but it was the first step made by French authorities, before the second one in Tahiti when president Hollande (2016) recognized that nuclear tests had an impact on the environment. Since then some clean-up actions have been carried out, but only in Polynesia... France has never paid a real attention on the Algerian territories contaminated by 17 nuclear tests. In reality, the "Algerian case" is beginning to be recognised following the uncovering of new information.

The situation is therefore complex and very different on these two territories, the French one and the one, which became Algerian. The creation of the treaty banning nuclear weapons with the articles about "victim assistance and environmental remediation" (art6) and "International cooperation and assistance" (art7) will thus necessarily



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create a new dialogue or a new crisis between Algeria and France, as this topic is still taboo between those two states. Lastly, it should not be excluded that States from Africa, Oceania or Latin America, in order to comply with the obligations created by this treaty, will enter into a new dialogue with France. They will want to know precisely the fallout from the French atmospheric nuclear tests conducted between 1960 and 1974.

T. Rauf "Addressing Dangers from Nuclear-Weapon Arsenals and Doctrines and the Lack of Nuclear Disarmament"

On 7 July 2017, 122 non-nuclear-weapon States (NNWS) party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) approved a multilaterally negotiated Treaty on the Prohibition of Nuclear Weapons (TPNW). This new Treaty came about as a direct result of decades of frustration on the slow pace of nuclear weapons disarmament by the NPT nuclear-weapon States (NWS) and heightened recognition of the unimaginable humanitarian and environmental consequences of the detonation of even one nuclear weapon. As reported by the Stockholm International Peace Research Institute (SIPRI), at the beginning of this year, nine nuclear-armed States—China, France, India, Israel, North Korea, Pakistan, Russia, United Kingdom and the United States—had nearly 4,150 operationally deployed nuclear weapons and combined arsenals totalling approximately 14,935 nuclear weapons. And, despite five nuclear security summits—in 1996, 2010, 2012, 2014 and 2016—83% of the world's nuclear materials (highly-enriched uranium and plutonium) amounting to nearly 2,000 tonnes remain completely outside of any international monitoring or transparency. In light of this, what is to be done to preserve the NPT and the nuclear disarmament process? How can engagement be built on disarmament of nuclear weapons? In this regard, this paper discusses transparency measures concerning nuclear weapons that contribute to facilitating



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disarmament; as well as issues relating to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and a future fissile material (cut-off) treaty (FM(C)T) that covers existing stocks, and verification of nuclear disarmament.

P. Ingram "Nuclear Disarmament: Futures after the Ban Treaty"

Where next for realistic disarmament? The Ban Treaty will be open for signature from 20 September and a significant push will lead to a majority of states joining. But the big effort is in translating this into actual disarmament, and it's not at all clear how this treaty can contribute to that in a practical manner. During the talks the Dutch referred to three key problems in the treaty:

- Many states have formal nuclear alliance relationships that as currently constituted are inconsistent with membership of the treaty, and the treaty pays no attention to security and stability;
- The verification measures are inadequate to confidence
- The treaty could end up undermining the NPT and states may end up withdrawing in frustration

There is no evidence of any state currently attached to nuclear deterrence giving it up in the foreseeable future. On the contrary, nuclear weapons are receiving renewed attention and every state with them is modernising its arsenal. Nuclear threats, in Korea, Europe and South Asia are on the rise, along with populist nationalism. The Trump nuclear posture review is expected to bring greater salience to nuclear weapons. The belief that security and global influence requires retaining the ability and credible intent to deliver unimaginable destruction, or to be allied to a state capable of such, remains very strong indeed. Enticing states to soften their grip on these capabilities will require concerted effort. It will not happen through pressure from non-nuclear weapon states alone.



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Most crucially, constructive moves are needed to reduce the salience of nuclear weapons, initiatives such as mutual declarations of no-first use and tightened negative security assurances, further arms control talks and reductions, efforts to build confidence and stronger relationships, manage crises and contain the systems for hair-trigger nuclear responses. These requirements are not new. Neither is the evolution of technologies at the same time, though in the contemporary situation emerging technologies - offensive cyber, AI and robotics, extremely fast processing power and sophisticated sensing tech - threatens to undermine existing systems and strategic stability.

In an age of populism these moves will require public support and an effort to tackle the most fundamental assumptions that underpin nuclear systems. We have to better chart the realistic scenario-lines towards greater risk and opportunity, with the Ban Treaty as a new and important context.

H. Müller "Nuclear Weapon Free Zones – One way forward"

Nuclear weapons do not only threaten future generations with high costs, environmental damage, devastating warfare, fallout and permanent threat. They also need the maintenance of huge technological-military-political complexes which reproduce enemy images and threatening military doctrines, uphold the grave distrust among states that their rivals intend to annihilate them when the opportunity arises and perpetuate an international system subject to fear, threat and permanent tension. The nuclear weapon ban presents one bold initiative by non-nuclear weapon states to contribute to the abolition of the nuclear menace and to demonstrate unambiguously their rejection of the nuclear ideology. Another, time-honored approach is the establishment of nuclear weapon free zones. Already now, the southern hemisphere is covered by such zones by the



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sovereign policies or their member states. No such zones exist in regions where states possessing nuclear weapons are located. One of these regions is Europe. This justifies an inquiry if a nuclear weapon free zone in Europe could be initiated. The fact that only a handful of smaller states would initially participate in this project and the zone would thus be a “patchwork” is no barrier, as the example of other such zones shows. An inquiry of possible negotiation processes, the basic content of the zone, and dealing with the inevitable resistance of opponents of such a project indicates that it is a possibility that could be pursued, with the necessary political will. If politicians wish to support the effects of the nuclear ban at a regional level – here is an opportunity.

M. Prieur "International Human Rights Law and Nuclear Disasters"

Nuclear law does not provide much content regarding nuclear disasters and neither is this the case with international human rights law. However, since international human rights law is universal, a human rights approach has to be applied to all States and the nuclear industry, before, during and after a nuclear disaster, in order to effectively limit the consequences of any disaster for health and the environment. After the Fukushima accident, the International Atomic Energy Agency (IAEA) pledged to implement the highest standard of nuclear safety but “forgot” to pledge the highest standard of human rights requirements.

A recommendation on legal and medical aspects of nuclear disasters adopted at a meeting at the Waseda University (Tokyo, Japan) in October 2014 was sent to the Sendai World conference of the United Nations about disaster risk reduction (UNDRR) of March 2015. In our speech we will reaffirm that there are no derogations on human rights during nuclear disasters. Also most human rights violations take place



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in nuclear disasters, especially the right to life, the right to health, the rights of displaced persons and the rights of future generations. Therefore it is necessary to complete and strengthen International agreements in the nuclear sector and take seriously into account all aspects of international human rights law. This also needs to be transferred to national laws, regulations and specific requirements regarding the right to health.

J. Burger "Indigenous Peoples in the Nuclear Age"

Indigenous peoples have been the victims of the nuclear age. They were and continue to be victims of the testing of nuclear weapons that began in the 1940s. Much of the world's uranium is mined on indigenous peoples' traditional lands leading to forced displacement, long-term health impacts and damage to the environment. It is easy to understand why many indigenous peoples call for uranium, like oil, to be left in the ground. The presentation will recall the impacts of nuclear testing and uranium mining on indigenous peoples, consider current issues for indigenous peoples at a time when uranium mining is increasing and there appears to be renewed investment in nuclear weapons, and ask how the rights now universally established for indigenous peoples can be used to hold back and reverse these trends.

S. Füglistner "The Secret Nuclear Accident at Kyshtym / Mayak"

The first nuclear reactor of the Sowjet Union (SU) started operations in 1948 In the Mayak/Kyshtym complex at the Eastern side of the Ural mountain range. It was used for the production of plutonium that was meant to fuel the first Soviet plutonium-based atomic bomb. In 1949, the first batch of plutonium from Mayak was presented to Stalin and shortly thereafter the first Soviet nuclear bomb was detonated. Not even ten years later, a serious accident happened and the number of deaths from it remains unknown.



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The «Kyshtym catastrophe» of 1957 is frequently considered as one in a series of civil nuclear accidents. However, this is not quite correct, as contrary to other nuclear accidents, such as those of Three Mile Island or Fukushima, neither the complexity of the technology nor an external factor triggered the catastrophe. Rather the fatal explosion in one of the plutonium tanks was caused by ignorance and deepest human disregard. Technical safety, protection of human life and the environment, had been unconditionally sacrificed in the SU by the race to nuclear rearmament.

In principle, this practice did not differ from the one other nuclear powers, however in its dimension was way more drastic. Until today, Russia refuses to recognize survivors and their families as victims and to honor their claims.

The lack of complete workup of such events can lead to the reintroduction of human-despising methods in the hands of authoritarian regimes. The critique of both the civil and military use of nuclear energy therefore remains an important and urgent task.

T. Yamada "Fukushima nuclear power accidents and human right remedy from the viewpoint of International Law"

Since 3/11 in 2011, the Government of Japan has been faced with recommendations to improve the human rights situation regarding victims of the Fukushima nuclear accidents from international human rights bodies which were established under the human rights treaties to which Japan is a State Party. For instance, the Committee on Social and Cultural Rights expressed concerns about the unfulfilled specific needs of disadvantaged and vulnerable groups, such as older persons, persons with disabilities, and women and children, as well as about the lack of transparency and disclosure of necessary information regarding the safety of nuclear power installations (2013).



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The Human Rights Committee on Civil and Political Rights was concerned with the situation of persons returning to (un)decontaminated areas (2014). Independent rapporteurs also visited Japan to research the human rights situation after the Fukushima nuclear accident. Especially in his report to the UN Human Rights Council, Special Rapporteur on the right of health, Anand Grover recommended Japan to take some steps to improve the situation regarding the rights of health (2012).

Unfortunately, Japan did not ratify any optional protocol which provide for an individual communication procedure. In this situation, at first it is important to ensure that the Government of Japan respond squarely those recommendations coming up from state reporting system and achieve them in good faith. Secondly, it is crucial to explore how to make use of them in the national implementation of international human rights, such as lawsuit in Japanese courts.

H. Caldicott "**Remind us of Chernobyl**"

It is now 31 years since the radioactive accident at Chernobyl and the medical effects continue to impact thousands of exposed people. 40% of the European land mass is polluted and will remain so for thousands of years contaminated by long lived isotopes – plutonium 239, 238 and 241, cobalt 60 and technetium 132. Parts of Turkey and the UK received high fallout impacting their crops. Millions were initially exposed to very high doses of radiation from short lived isotopes, thousands of times higher than doses received 3 years later.

A large literature now records the medical impact of Chernobyl. In Belarus 80% of children were once healthy, now only 20%. One million children still reside in highly radioactive areas.



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Ongoing abnormalities of the immune system including B, T cells and immunoglobulins led to increased incidences of bacterial and fungal infections. Chronic joint and bone pain, osteoporosis, periodontal disease and increased incident of fractures. Strontium 90 and plutonium concentrate in bones and teeth.

Premature aging with heart attacks, hypertension, strokes and type 1 diabetes and alopecia are recorded in children. Multiple endocrine abnormalities including diabetes, hypo and hyperthyroidism and Hashimoto's disease plus menstrual disorders have increased as cesium concentrates in endocrine organs and cardiac muscle.

Intellectual retardation recorded in babies who were in utero at the time of the accident as well as neural tube defects, microcephaly and microphthalmia in babies secondary to mothers' high whole body count of cesium recorded in the Polissia Region of the Ukraine. Increased incidence of congenital cataracts, retinal pathology and adult cataracts occur in many European countries.

Thyroid carcinoma arose 2 -4 years post-accident, in Belarus increasing to 7000 cases by 2000 and despite surgery 30% were aggressive and had metastasized. Congenital thyroid cancer in newborns also was documented. Iodine 131, and 129, technetium 132, rubidium 103 cesium 137 and 134 concentrate in the thyroid.

Increased incidences of cancer have been and are still recorded in the Ukraine, Belarus, Russia, Germany, the UK, Greece, Rumania and Europe including stomach, colon, bladder, kidney, pancreas, retinoblastoma, leukemia, adrenal, melanoma, breast, lung rectum, brain, and pharyngeal.



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Many thousands of children have been born with severe teratogenic deformities, mental retardation and the incidence of trisomies 13 and 18 rose while the incidence of Down's syndrome increased by 49% in Belarus, 250% in Germany and 30% in Sweden.

Of the 800,000 "liquidators", young men who were exposed to massive doses of radiation recruited from all over Russia 120,000 to 125,000 died within the first 19 years. Surveys of wildlife and birds in the exclusion zones revealed genetic and chromosomal abnormalities, sterility in male swallows, small brains, tumours, and other anatomical abnormalities.

D. Brugge "The Long, Slow Process of Seeking Justice for Uranium Mining Harms for the Navajo People"

Uranium mining has typically been concentrated in rural areas with low population density. This talk will begin by reviewing the impact of uranium mining on the Navajo People in the Southwestern United States. It was with this population that I first worked on uranium mining. From my work in the Navajo Nation, I quickly learned about how uranium mining had and was affecting other Native American tribes nearby, including Laguna and Acoma Pueblos and the Havasupai in the Grand Canyon. Eventually I also learned that uranium mining had affected Native American populations in the north central United States. Then, when I went to Africa, it struck me that despite some dissimilarities to Native American populations, the people living in rural areas in Mali and Tanzania that we visited also shared some common characteristics. They lived in rural villages, engaged in subsistence food production, and were more traditional than urban populations. Similarly, the experience of Aboriginal populations in Australia is largely similar, although my knowledge is based on secondhand sources since I have not been there in person. Finally, I have followed the experience of another, again



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strikingly similar, population in India. My talk will explore thread of commonality among these populations and suggest factors that likely led to the disproportionate environmental and occupational burden that they have experienced from uranium mining. I will suggest that siting of uranium mining near native and indigenous populations was made easier by their relative lack of political and economic power, limited access to major media and barriers created by language and educational level.

G. Wippel "Overview of Uranium Activities in Africa / Global Uranium Activities"

In 2007 / 2008, the price of uranium rose sharply - and exploration companies started raiding many countries, including nearly every country in Africa, to find new uranium deposits. A number of projects were announced, and some even started producing U₃O₈, but the price rapidly fell again. In 2011, the Fukushima incident brought some 50 nuclear power plants (more than 10% of the worldwide nuclear 'fleet') to a halt - also cutting down demand for uranium. We will explore what happened to the projects announced and to the companies involved. AREVA suffered seriously, CAMECO is in a court case re: tax evasion. Lately, the biggest producer of commercial nuclear power plants was close to bankruptcy, and on July 13, ROSATOM announced the company will reconsider its focus on nuclear. What might the future bring? Which developments can be observed?

B. Khastumur / O. Shourd "Fighting Environmental Uranium Pollution in Mongolia"

The constant demand to feed the nuclear reactors in order to produce nuclear power and provide mainly the developed countries with plenty of energy, made international companies such as AREVA explore new countries with rich uranium deposits. One of such newly discovered



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countries was Mongolia, which sadly was victimized in every way. This paper explains what effects the uranium exploration and extraction had on the environment, water, animals, plants and people, particularly the herders whose lives entirely depend on their animals and environment. The government of Mongolia is more concerned about the revenue it receives by licensing mining than for the well-being of its citizens and their environment.

This paper presents the evidence against uranium mining and talks about the common struggle of civil society, including local herders and non-profit organizations dedicated to the environment and a sustained healthy livelihood. Through demonstrations, seminars and social media, the organisation Delhiin Mongol Nогоон Negdel (DMNN) and other non-profit organizations have tried to educate the public on the adverse effects of uranium mining for the environment.

In the interest of the well-being of the population, particularly in rural areas, and in consideration of a likely downtrend for uranium as resource in a world relying less on nuclear energy, yet in appreciation of a growing interest for Mongolia by the tourism industry, the preservation of the beauty of the land and the cleanliness of the waters should have utmost importance for the Govt. of Mongolia.

A. Alhacen "**Histoire et conséquences des mines d'uranium au Niger / History and consequences of the uranium mines in Niger**"

Following the opening in 1969 of the first uranium mine (SOMAIR) in Arlit, a town North of Agadez, thousands of tons of uranium from Niger were delivered to feed the French nuclear power plants. France has had its plants and mines built by AREVA. At the opening of the mines, French officials promised prosperity due to uranium and the birth of a "second Paris". Subsequently, several other mines were opened in the Agadez region, all of which were under AREVA management, with one exception being Chinese.



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Mining has had a significant impact in a social-political context. At the beginning, Nigerians considered the exploitation of uranium as an affair by "whites" where any dispute was considered a crime against the nation and could lead to death penalty. Following the democratic election of Tanja Mamadou (2000-2010), Nigerians began to question the usefulness and the consequences of mining.

In this respect, 140,000 tons of uranium have been produced in the form of "yellow cake". However, this has had serious consequences: e.g. depletion of fossil aquifers, formation of mountains of extracted rocks, and deaths of several workers who have worked in places near ionizing radiation.

The rehabilitation of the sites would involve backfilling the innumerable pits that have been dug since 1969, eliminate about 100 million tons of radioactive waste and restore the environment. At present, no concrete arrangements have been made to ensure the redevelopment of the exploited sites.

A mining agreement between the government of Niger and AREVA was signed in 2015. Unfortunately, it does not take into account the legal and political evolutions of Niger.

For more information, see: uranium-niger.jimdo.com

Suite à l'ouverture en 1969 de la première mine d'uranium à Arlit (SOMAIR), ville d'Arlit au nord d'Agadez, des milliers de tonnes d'uranium nigérien ont été livré pour alimenter les centrales nucléaires Françaises. La France a fait construire ses centrales ainsi que ses mines par la société AREVA. Lors de l'ouverture des mines, les responsables Français ont promis la prospérité dû à l'uranium et la naissance d'un deuxième «Paris». Par la suite, plusieurs autres mines ont été ouvertes dans la région d'Agadez, la majorité d'entre elles sous la direction d'AREVA, sauf une dont les responsables sont des Chinois. L'exploitation minière a eu un impact important sur le contexte social-politique. En début, les nigériens considéraient



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l'exploitation de l'uranium comme une affaire des «blancs» où toute contestation était considérée comme crime contre la nation et passible de la peine de mort. Suite à l'élection démocratique de Tanja Mamadou (2000-2010), les nigériens ont commencé à s'interroger sur les conséquences et l'utilité de l'exploitation de l'uranium.

Une convention minière entre le gouvernement du Niger et AREVA fut signé en 2015. Malheureusement, elle ne prend pas en compte les évolutions juridiques et fiscales du Niger; sa souveraineté de l'Etat est très écorchée.

L'exploitation minière a produit 140'000 tonnes d'uranium sous forme de «yellow cake» et a aussi eu des graves conséquences pour l'environnement et la santé humaine, p. ex. l'épuisement des nappes fossiles, la formation de montagnes de roches extraites, des décès de plusieurs travailleurs qui ont travaillé dans des endroits à risque de rayonnement ionisant.

Le réaménagement des sites impliquerait remblayer les innombrables fosses qui ont été creusées depuis 1969 pour extraire le minerai, l'élimination d'environ 100 millions de tonnes de résidus radioactifs et la restauration de l'environnement. A présent, aucune disposition concrète n'a été prise pour assurer un réaménagement des sites exploités.

Pour plus d'information, voir: <http://uranium-niger.jimdo.com>

A. Lyamunda "Political Resistance Against Uranium Mining in Tanzania - Avoiding Uranium mining"

Since 2009 when first information about uranium exploration in Tanzania became public "Civil Education is the Solution to Poverty and Environmental Management" (CESOPE) has successfully risen awareness among local communities. Uranium mining is a looming threat depending on Uranium price which is actually low. CESOPE activities range from seminars and radio spots to distributing videos to rural micro-cinemas. Especially CESOPE was always present when



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there was an urgent challenge in a village. Currently CESOPE is promoting methods of using natural resources in a sustainable way to create reliable sources of income for people.

CESOPE has been in the Chemba district since 2012 development of the Farkwa Dam Project. This dam would block the river Bubu as the main tributary of Bahi swamp and therefore is a potentially existential threat for the wetland. CESOPE is suspicious that drying Bahi swamp could be method to drive out people to pave the way for uranium mining. CESOPE raises awareness among people and advocates for their rights.

For many years the Tanzanian government received complaints that Tanzania as a nation as well as local population would not take enough or any profit at all in the mining boom. The new mining law could be seen as a tool to tackle this challenge. However critical voices also warn that the new legislation could be used to slash and silence complaints by civil society. The government under the new president Magafuli has not yet made specific announcements referring to uranium mining – civil society needs to be on alert.

W. Mahundi "The Threat of Uranium Mining at Mkuju River / South Tanzania"

URANIUM CAMPAIGN PROGRAM

We engaged into uranium campaign program since 2010 after a number of local people from Namtumbo came to ask for 'uranium markets' – thinking they might make a living from mining uranium in an artisanal way (similar to Tanzanite). Some of them came with what they believed was uranium ore from Mkuju River area in Namtumbo District.

After a few months, we decided to educate people about the uses of uranium. In December 2012, some experts on uranium mining from Germany came to our area for education.

We had an awareness raising conference, and among others invitees



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were government officers such as mineral department officers and political leaders as well as local people from mining areas.

During group discussion we found some hot issues such as

- i. Lack of community involvement during planning, surveying and establishing uranium mining
- ii. Lack of awareness / education on uranium for the community
- iii. Lack of transparency on the uranium mining sector in Namtumbo region and in Tanzania at large
- iv. Unfulfilled social responsibility promises to the community and
- v. Complaints about environmental destruction done by the companies conducting uranium exploration in Tanzania

From that moment we fully engaged ourselves as an organization to start a campaign against uranium mining.

A. Ware "Protecting Future Generations through Anti-Nuclear Legislation and Removing Nuclear Weapons Funding"

On July 7, the United Nations adopted a Treaty on the Prohibition of Nuclear Weapons, with 122 countries in favour. The Treaty aims to prevent and prohibit the use of nuclear weapons, the consequences of which 'cannot be adequately addressed, transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of current and future generations.'

The treaty requires States parties to adopt national measures (legislation, administrative measures etc...) to implement their obligations under the treaty, and in particular 'to prevent and suppress any activity prohibited to a State Party under this Treaty undertaken by persons or on territory under its jurisdiction or control.'

The nuclear-armed and allied States opposed the treaty, and are unlikely to join. As such, the provisions in the treaty do not apply to



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them. However, States parties to the Treaty could adopt national implementation measures which impact on the policies and practices of the nuclear-armed States, i.e. if they decide to prohibit transit of nuclear weapons through their territories (including territorial waters and airspace) and investments in corporations which manufacture nuclear weapons and their delivery systems (nuclear weapons divestment).

The treaty does not specifically prohibit nuclear weapons transit or investments, as some of the countries in the negotiations believed that this would be too difficult to implement. However, the treaty does make it prohibited for any State party to 'Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty,' which can be interpreted as prohibiting transit and investments. And the experience of New Zealand, which has already prohibited transit of nuclear weapons and investments of public funds in nuclear weapons corporations, demonstrates that this is feasible.

If even 1/3rd of the States Parties to the ban treaty adopt such national implementation measures, it would have a huge impact on the policies and practices of the nuclear armed States.

[M. Buser, J. J. Fasnacht](#) "Nuclear Waste – our Legacy to Future Generations : how to handle it"

The fact that nuclear waste and the problems involved with it are and need to be passed on by the polluters and today's society to those coming after us, is a well-known fact. However, in the case of nuclear waste and the targeted strategy of final or deep storage in specially designed mines, this attitude leads to a shift of responsibility to countless future generations. Not only humans and the biosphere must be protected from the radioactive inventory in the repository, but



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any underground repository itself must also be protected against human interference over an inconceivably long period of time. For even a once installed repository can always be re-opened by future generations, for whatever purpose. This double legacy left behind by only two generations, which benefited from nuclear power, is affecting numerous future generations with the challenge and burden to technically handle the radioactive waste safely. Even more, it also requires an enormous social commitment of the affected societies over unimaginably long storage periods. The long term conflict potentials have hardly been discussed so far. This problem area and possibilities to control it from today's point of view will be highlighted in our lecture.

E. Gaillard "Recognition of Rights for and Crimes Against Future Generations in the Nuclear Age"

The entry into the Nuclear Age marks the unprecedented acquisition of power of Humankind upon the Earth and the very conditions of all forms of lives and of Future Generations. Geologists name this new era the Anthropocene. This is a profound metamorphosis of the action of Man on Earth and finally, it deeply questions - from a theoretical and a pragmatic point of view - the foundations and the purposes of Law. The very specific challenge of facing Nuclear Risks requires a Law protecting Future Generations, *i.e* a Law for the Future.

Nuclear technologies introduce a deep gap between our abilities to put future generations into danger and our abilities to think about their legal protections nor their legitimate statute into contemporary democracies. In a way, this new era is asking for the entry into a transgenerational legal era: we need to renew the legal humanism in order to protect the Future. This could be nourished notably by new branches of philosophies which are renewing the ethical foundations for responsibility towards the Future.



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Undoubtedly, we have to renew the legal framework of basic and foundational principles such as human rights, crimes, responsibility. This new juridical utopia takes into account the finitude of the Human existence, the essential transmission of conditions and possibilities for life of future generations (understood as being in a systemic relationship with the environment and all living beings). New concepts can also be discussed such as: Ecocide, Rights of Nature... We are at the crossroads of a convergence wave of new legal concepts which are nourishing and supporting the entry into the transgenerational legal era.

S. Elworthy “How young generations can impact nuclear policies”

Faced with a future full of threats and violence, young people are responding, albeit with a host of tough questions: “What can I do – what can we do - to halt or reverse this terrible future you have left us with?”

In this session let us examine how higher-level thinking can facilitate the adolescent’s worldview, and how that can be approached.

First it is essential to examine how to deal with fear and uncertainty – the benefits of walking *towards* what frightens you – ‘*the gem under the dragon’s foot*’. Then I shall offer a method for adolescents to find out what each can best contribute, to develop your plan of study and life experience, including an exercise where participants are asked to turn to their neighbour and ask each other some simple questions that can be used to help adolescents identify their passion, their skills and their contribution.

When the answers to these questions are combined, an enormous force for good is unleashed. It becomes clear just how much inventiveness and skill Millennials have at their disposal.



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If there is time in discussion we shall also examine the values that young people have a right to demand from political, business and community leaders, including: transparency, compassion, listening, integrity and a sense of service.

This will enable us to conclude with reflections on how we can encourage those who light candles in the darkness.

Panel 1 - Helping Nuclear Victims – Legal Cases

M. Sekine, N. Nakase: A report on litigations regarding Fukushima nuclear victims

The Fukushima Nuclear Accident in 2011 has been contaminating the vast surrounding areas with radioactive materials, resulting in a wide-range of devastating damages and impacts for residents in the greater zone.

TEPCO (Tokyo Electric Power Company) has started to compensate the affected population who meet certain criteria for their damages induced by the accident according to the Compensation Guideline set by the Japanese government. The Guideline, however, only provides extremely limited level of compensation for those who qualify, and moreover, it still leaves many “unqualified victims” without any forms of compensation.

In addition, the Japanese government and TEPCO have consistently denied their legal responsibility for the accident, based on the claim that the tsunami, the primary cause of the accident, could not have been prevented in any case and that the health impact of radiation exposure remains negligible.



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It should be noted that, prior to the accident, various experts had repeatedly alerted the Japanese government and TEPCO to the predicted scale of earthquake and tsunami and its severe impacts on the Fukushima Nuclear Plants. Despite the foreseeability of the catastrophe, they have failed to take necessary preventive measures. Six years after the accident, still, the abovementioned reluctance of “the perpetrators” is one of the critical factors that result in insufficiency of countermeasures in many aspects, such as decontamination and environmental restoration, compensation for damages, and recovering normal life of the affected population.

In view of this situation, we will report on the present situation of Fukushima and victims’ movements over litigation.

Natsuko Nakase

Miki Sekine



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スイス発言要旨

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福島原発事故は、広範な地域を放射性物質によって汚染し、広い地域の住民に様々な態様の被害をもたらし続けている。

現在、国が作った賠償基準に従って東京電力が被害者に賠償金の支払いを行っているが、賠償基準は極めて不十分で、賠償を受けられない多数の被害者が存在する。

また、国や東京電力は、津波は防ぎようがなかったのだから過失はない、健康への影響は極めて小さく被害はないという主張を繰り返している。事故の前に、様々な専門家が国と東電に対し、地震と津波の規模についての予測とその福島第一原発に対する影響について、警鐘を鳴らしていた点に留意する必要がある。大災害が予知できたにもかかわらず、彼らは必要な予防措置をとらなかった。

事故から6年を経過しても上記のような加害者の姿勢が、環境回復、損害賠償、被害者に対する生活支援などの不十分さを招いている一つの要因である。

このような状況に鑑み、我々弁護士は、福島県に今も住んでいる方を中心とする被害者を4000名超原告として組織し、国と東京電力に対して、被害者の最も根本的な要求である原状回復と賠償の支払いを求める訴訟を提起した。

現在の福島の現状と、訴訟をめぐる被害者の運動などについて報告する。



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中瀬奈都子

関根未希