

# Fukushima nuclear power plant accident and illegality of nuclear power generation

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# Fukushima disaster in 2011

1, Fukushima disaster in 2011

2, Lawsuit for victims and an injunction to the operation of the nuclear power plant and the discharge of contaminated water

# Nuclear energy and NPT, TPNW

3, Introduced by U.S.- nuclear power generation into the world

-1953 Atoms for Peace in UN by President Eisenhower

-1954 Nuclear test in Bikini Atoll

-1957 IAEA was established

4, Nuclear power and NPT treaty and TPNW - legalization of right to develop nuclear energy

# Article 4 of NPT

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

# The preamble of TPNW

Emphasizing that nothing in this Treaty shall be interpreted as affecting the inalienable right of its States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

# IAEA and contaminated water

5, The role of IAEA in promoting nuclear power

Cf. Agreement between WHO and IAEA in 1959

6, The release of contaminated water into the Pacific Ocean.

# Action and claims on Fukushima contaminated water

(1) File lawsuits for injunction and damages

(2) Violation of the London Convention

(3) The UN Convention on the Law of the Sea

Article 192 (Obligation to protect and preserve the marine environment)

Article 194 (Obligation to prevent marine pollution)

Article 197 (Obligation to Global and regional Cooperation for the protection and preservation of the marine environment)

(4) Violation of human right

Right to health (International Covenant on Economic, Social and Cultural Rights,)

Right to healthy environment (adopted as a UN declaration in 2022)

# Illegality of nuclear power generation

7, Why nuclear power generation should be illegal?

- damage is huge

- final disposition method is not confirmed

- target of terrorist and armed attacks

- potential diversion to nuclear weapons

8, Costa Rica 2008 court ruling: nuclear power leads to the development of nuclear weapons.



# Costa Rica 2008 court ruling

The thorium and the uranium, on their side, are radioactive minerals, and even when the Mining Code reserves the State the right to its exploitation, whether by itself or through concessions to privates, its well-known use for war and its highly contaminating character forces the consideration as unconstitutional its belonging to the list here contested.

VII. The Chamber cannot do less but consider that the inclusion within a catalogue of permitted activities [...] of the topic mixture exposed within the present action of unconstitutionality (extraction of uranium and thorium, manufacturing of nuclear fuel and fabrication of nuclear reactors) results against to the value of peace for its possible links with bellicose activity, as well as to the right to a healthy environment and, therefore, it is unconstitutional to include within a catalogue of possible activities to be authorized by a public authority."

# Reference

NHK documentary (in Japanese):  
<https://www.youtube.com/watch?v=aj76EegmhVc&t=9s>

IndependentWHO: [https://independentwho.org/en/who-and-aiea-agreement/#:~:text=The%20World%20Health%20Organization%20\(WHO,central%20element%20of%20our%20demands.](https://independentwho.org/en/who-and-aiea-agreement/#:~:text=The%20World%20Health%20Organization%20(WHO,central%20element%20of%20our%20demands.)

IADL statement of the Fukushima contaminated water release:  
<https://iadllaw.org/2023/07/iadl-resolution-opposing-fukushima-contaminated-water-release/>